

MOSS v. BALLARD
CASE NO. 2:09cv01406

RESPONDENT'S EXHIBIT 20
(CONTINUATION, pp. 451 - 600)

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1 radio?

2 A No.

3 Q I'm going to show you a slide that
4 corresponds with what has been marked State's Exhibit 32.

5 A This is a photo of Vanessa Reggettz.
6 This is the back bed room, and then on this side would
7 be the TV room (Indicating to the right).

8 You can see the cord around her neck there and
9 up to the door. Here is a pair of scissors sticking in
10 her chest. This white rod here is a curtain rod going
11 up to her head. You can see the bed spread and sheets
12 lying on the floor.

13 Q Does this accurately depict what the
14 scene looked like on December 13, 1979?

15 A Yes.

16 Q I'll now show you a slide which
17 corresponds with State's Exhibit 29.

18 A This is a view of the back bed room.
19 You can see around her neck area is the cord and it goes
20 up into the hole where the door knob should be. You can
21 see the scissors right here in her chest. You can see
22 the clothes on the floor.

23 This is a curtain rod right here at her head.
24 And right here, you can see running down the door, what

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1 appears to be blood.

2 Q I'll now show you a slide corresponding
3 to what's been State's Exhibit 41.

4 A This is a closeup of the door in the
5 back bed room. It shows what appears to be blood running
6 down the door here.

7 This is the right leg of Vanessa Reggett.

8 Q This is the closeup of what you
9 described in the last slide?

10 A Yes.

11 Q Does this accurately depict what you
12 found at the scene?

13 A Yes.

14 Q I'll now show you what's been marked as
15 State's Exhibit 27, a slide corresponding with this
16 exhibit.

17 A That's a closeup of Vanessa Reggett.
18 As you can see right here, the blood on her nightgown and
19 on her face -- all over her face, you can see -- and here
20 around her neck, the cord around, going up. And here's
21 the scissors in her chest.

22 Q Does that accurately depict what you
23 found?

24 A Yes.

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1 Q I'll now show you a slide which
2 corresponds with what's been marked as State's Exhibit
3 35.

4 A This is another photo of the back bed
5 room. You can see right here there's a big spot, what
6 appears to be a large amount of blood on the floor here.
7 You can see pieces of the broken knife here. This is
8 Vanessa Reggett right here, and the cord, again, going
9 around her neck.

10 Q The object between Vanessa's body and
11 the floor appears to be blood?

12 A Here is a paper towel with what appears
13 to be blood on it.

14 Q Does that accurately depict the scene
15 as you found it?

16 A Yes.

17 Q Now, I'll show you a slide
18 corresponding with what has been marked as State's
19 Exhibit 40.

20 A This is another view of that back bed
21 room. It shows Vanessa here. And here you can see the
22 two cords; the brown cord right here, and the white cord
23 is the one that goes up and through the door, where the
24 door knob should be.

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1 There is a large amount of what appears to be
2 blood here and here (Indicating), and the knife pieces
3 right here.

4 And here, you can see the clothes that are strung
5 around the room.

6 Q Can you see the gun grips that you
7 described?

8 A I can't see them in this photo.

9 Q You can see them better in the photo?

10 A Yes. They were in this area right
11 here.

12 Q I'll now show you a slide which
13 corresponds with what has been marked State's Exhibit 56.

14 A This is a closeup view of a door in the
15 back bed room, where the cord goes through. It shows the
16 cord -- it goes through the door knob, or the hole where
17 the door knob should be. It goes down and around Vanessa
18 Reggett's neck.

19 THE COURT: Officer, is that large white thing
20 -- a plug on the end?

21 TROOPER WILLIAMS: Yes. That's where you plug an
22 extension cord in.

23 BY MR. REVERCOMB:

24 Q And it is your testimony that this

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1 white cord is an extension cord?

2 A Yes.

3 Q Did you see an object connected next to
4 the door?

5 A Yes.

6 Q What is that again?

7 A This is a tissue or a paper towel
8 folded up with what appears to be blood on it.

9 Q Does this slide accurately depict the
10 scene on December 13, 1979?

11 A Yes.

12 Q I'll now show you what has been marked
13 -- that corresponds with what has been marked as State's
14 Exhibit 34.

15 A This is another photo of the back bed
16 room. It shows Paul Eric lying here on the bed. This
17 is a piece of the gun grip lying in the floor. Here is
18 another piece of the gun butt lying over here in the
19 floor. And a large amount of what appears to be blood,
20 and the broken knife.

21 Q And where does the doorway beside the
22 bed lead?

23 A This doorway here goes into the front
24 bed room.

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1 Q Does this photograph or slide
2 accurately depict the scene as you saw it?

3 A Yes.

4 Q Trooper Williams, I now am going to
5 show you a slide corresponding with what has been marked
6 as State's Exhibit 17.

7 A This is Paul Eric Reggettzy lying on the
8 bed in the back bed room. His pajamas were wet and his
9 hair was wet. And you can see the outline around his
10 body here, where the bed is wet.

11 And this is the white cord lying down beside his
12 foot. There is a pair of panties lying here on the bed
13 beside him.

14 Q Did you determine whether those were
15 women's or child's panties?

16 A I believe they are child's.

17 Q Now, I'll show you a slide that has
18 been marked corresponding with State's Exhibit 16.

19 A This is a photo of the foot of the bed
20 in the back bed room. You can see the bag of toys
21 overturned.

22 This right here is the clock radio. The cord was
23 torn off of the clock radio.

24 Q And the clock radio, what position is

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1 it in?

2 A It was lying on the back of it.

3 Q Now, I'll show you a slide
4 corresponding with what's been marked as State's Exhibit
5 6.

6 A This is a photo, again, in the back bed
7 room. This right here (Indicating) is gunshot residue,
8 a gunshot hole in the sheet, down on the bed.

9 Q Did your investigation show that anyone
10 had been shot?

11 A No.

12 Q Now, I'll show you a slide
13 corresponding with what has been marked as State's
14 Exhibit 20.

15 A This is another photo of the back bed
16 room. It shows Paul Eric, and a piece of the gun grip.
17 This area here, was on the previous slide, and
18 shows the gunshot wound on the sheet.

19 Q Now, I'll show you a slide
20 corresponding with what has been marked as State's
21 Exhibit 45.

22 A This is a photo taken from the back bed
23 room. This doorway here goes into the bath room. You
24 can see pieces of the broken gun butt lying here, the

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1 clothes on the floor.

2 Q Does this slide accurately depict the
3 scene as you found it?

4 A Yes.

5 Q Tell us now, Trooper Williams, what you
6 found in the bath room?

7 A Okay. As I entered the bath room,
8 there was a commode, a sink and a bath tub. And over the
9 drain in the bath tub was a green wash cloth. The wash
10 cloth was wet.

11 Q Was there any water in the bath tub?

12 A No.

13 Q I'll now show you a slide corresponding
14 with what has been marked as State's Exhibit 52.

15 A This is a photo of the bath room
16 showing the bath tub, that little green spot right here
17 is the wash cloth.

18 Q Now, I'll show you a slide which
19 corresponds with what has been marked as State's Exhibit
20 59.

21 A This is another view of the bath tub.
22 You can see the wash cloth lying right here over the
23 drain.

24 Q Is it your testimony that that wash

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1 cloth was wet?

2 A Yes.

3 Q At this time, or at any time during
4 your investigation, did you check that drain to see how
5 quickly the water would drain out?

6 A No, I didn't.

7 Q Or what effect that wash cloth would
8 have over the drain?

9 A No, I didn't.

10 Q Please, now, describe what you found in
11 the living room?

12 A There was a couch, a fireplace, a
13 Christmas tree, a coffee table, Christmas packages under
14 the tree, and out around it. All of the Christmas
15 packages -- the wrapping paper was torn off. There was
16 Christmas decorations over the fireplace and on a shelf
17 beside the Christmas tree.

18 Q Did you see any cords in that room?

19 A There was a cord that had come from the
20 front bed room into the living room and it was lying on
21 the floor.

22 Q Now, I'll show you a slide
23 corresponding with what has been marked as State's
24 Exhibit 82.

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1 A This is a photo of the living room.
2 This is the fireplace; you can see Christmas decorations
3 over the fireplace. There is a rifle here. This cord
4 comes into the living room, wraps around here and goes
5 into the bed room.

6 Q Can you see the front door in that
7 picture?

8 A This is the front door of the Reggett's
9 home.

10 Q Does this slide accurately depict the
11 living room as you found it?

12 A Yeah.

13 Q Now, I'll show you a slide
14 corresponding with what's been marked as State's Exhibit
15 22.

16 A This is a closeup of the front door
17 area. This is the front door here. It shows a closeup
18 of the cord which goes into the front bed room.

19 Q I'll now show you a slide corresponding
20 with what is a photograph that has been marked as State's
21 Exhibit 8.

22 A This is a photo of the living room. It
23 shows the Christmas tree, the couch, the coffee table,
24 Christmas packages out around the tree. You can see

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1 wrapping paper torn off of the Christmas packages.

2 Q And likewise, a slide corresponding
3 with what's been marked as State's Exhibit 9.

4 A This is a different view of the tree
5 and the packages. There is a shelf here with Christmas
6 decorations. There are two reindeer knocked over, one
7 knocked off of the shelf.

8 Q Now, I'll show you a slide that
9 corresponds with a photograph marked as State's Exhibit
10 64.

11 A This is a closeup of the wrapping paper
12 off of the packages -- off of a package in the floor of
13 the living room. This is on the coffee table. There is
14 a spot right here that appears to be blood on the
15 wrapping paper.

16 Q Now, I'll show you a slide that has
17 been marked corresponding with what has been marked as
18 State's Exhibit 15.

19 A This is a different view of the living
20 room and the Christmas packages, the Christmas tree, and
21 what appears to be blood on the wrapping paper. That
22 would be located in this area right here?

23 Q Does this slide accurately depict the
24 scene as you found it on December 13, 1979?

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1 A Yes.

2 Q Could you tell us now, Trooper
3 Williams, what you found in the front bed room?

4 A In the front bed room, I found a young
5 white female lying on the bed in the front bed room.

6 Q Did you learn her identity?

7 A Yes.

8 Q Who was she?

9 A Bernadette Reggettz.

10 Q How old was she?

11 A 4.

12 Q What else did you find?

13 A There was a large amount of what
14 appeared to be blood on the bed spread and on the floor
15 in the front bed room. There was also what appeared to
16 be blood on Bernadette's top. She was wearing -- and
17 there was clothes strung out all over the room.

18 The dresser drawers -- all of the drawers were
19 open. There was a change purse on top of the dresser
20 that had what appeared to be blood on the change purse.

21 There was also on the door between the living
22 room and the front bed room, was what appeared to be
23 blood on that door.

24 Q Okay. Now, I'm going to show you a

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1 slide corresponding with what has been marked as State's
2 Exhibit 24.

3 A This is a photo of the front bed room
4 from the living room. This is the front bed room right
5 here. It shows the cord going into the front bed room.
6 You can see the cord that I was previously testifying to,
7 how it loops around and goes into the front bed room,
8 under the chair, and is attached to a sweeper.

9 Q Could you describe the condition of
10 that cord as it goes into the body of the sweeper?

11 A It is frayed a little bit, as you can
12 see right here.

13 Q It is still attached though?

14 A Yes.

15 Q What condition was that sweeper in?

16 A It's in front of this chair in the
17 front bed room.

18 Q And it shows the cord running
19 underneath it?

20 A Yes.

21 Q Does that slide accurately depict the
22 condition of that front bed room as you found it?

23 A Yes.

24 Q Now, I'll show you a slide which

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1 corresponds with what has been marked as State's Exhibit
2 54.

3 A This is a slide of the door between the
4 living room and the front bed room. Here on the door is
5 what appears to be blood on the door here, and what
6 appears to be blood here and here (Indicating).

7 Q Is this the door that goes into --
8 where Bernadette Reggett was?

9 A Yes.

10 Q I'll now show you a slide corresponding
11 with what has been marked as State's Exhibit 55.

12 A This is another slide of the front of
13 the door in the front bed room, and what appears to be
14 blood here, here, here, and you can see some right here
15 above the lock. This part here is what would face the
16 living room if it were shut.

17 Q Does this accurately depict, and does
18 that slide accurately depict what you found at the scene?

19 A Yes.

20 Q I'll now show you a slide corresponding
21 to what has been a photograph marked as State's Exhibit
22 66.

23 A This is another photo of the front bed
24 room. Back here, this is the back bed room. In the

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1 front bed room, you can see clothes all over the floor.
2 You can see a Christmas present here, and a trunk right
3 here that has nothing in it.

4 Q Nothing in the trunk?

5 A That's right.

6 Q Now, I'll show you a slide
7 corresponding with State's Exhibit 67.

8 A That's another view of the front bed
9 room. You can see the sweeper housing against this chair
10 here. You've got what appears to be a large amount of
11 blood right here on the floor. You can see Bernadette
12 lying on the bed right there.

13 Q Now, I'll show you a slide
14 corresponding with what has been marked as State's
15 Exhibit 69.

16 A This is another photo of the front bed
17 room showing the chair, the clothing on the chair, the
18 sweeper here, a little nightstand there beside the bed
19 that's got some kind of vase here, and a clock on the
20 nightstand.

21 This right here goes out of the bed room, and the
22 front door that goes outside of the Reggett home.

23 Q You said there is a clock there on that
24 nightstand. What time does that clock say?

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1 A About 9:30.

2 Q Do you know what time this photograph
3 was taken?

4 A This photograph was taken, I'd say,
5 between 1:00 and 2:00 in the afternoon of December 13,
6 1979.

7 Q Were you able to determine what type of
8 clock that was?

9 A Yes.

10 Q What type was it?

11 A It was a wind-up clock.

12 Q There was no cord to it?

13 A No.

14 Q Was there a key on the back?

15 A Yes.

16 Q I'll now show you a slide that has been
17 marked -- corresponding with what has been marked as
18 State's Exhibit 79.

19 A This is another slide of the front bed
20 room. This is the dresser I was speaking of. The
21 drawers are open, and there are some things lying on top
22 of the dresser. This is the change purse that I was
23 speaking about, and what appears to be blood on the
24 change purse. A Christmas tree box, and a large amount

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1 of what appears to be blood here on the bed.

2 Q Does this slide accurately depict the
3 condition of the dresser drawers and the content of the
4 room as you found it on December 13, 1979?

5 A Yes.

6 Q I'll now show you a slide which
7 corresponds with what has been marked as State's Exhibit
8 73.

9 A This is a photo made of the front bed
10 room of the Reggett home. Right here is Bernadette as
11 I found her lying on the bed in the front bed room.

12 And here is what appears to be blood on the bed
13 spread.

14 Q Does this accurately depict what you
15 found on that date?

16 A Yes.

17 THE COURT: I'm sorry. What's that dark item on
18 the bed?

19 TROOPER WILLIAMS: I'm not sure what that is.

20 BY MR. REVERCOMB:

21 Q Now, I'll show you a slide which
22 corresponds with State's Exhibit 74.

23 A This is a closeup of Bernadette lying
24 on the bed in the front bed room. There is what appears

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1 to be blood here on her gown. Here, on her nose, you can
2 see a blue spot, on the back of her hand, her arms, her
3 forearm.

4 Q What were those?

5 A Tattoos.

6 Q What kind of tattoos?

7 A The kind that children buy, wet them
8 and stick them on.

9 Q Finally, I'll show you a slide that
10 corresponds with what has been marked as State's Exhibit
11 71.

12 A It's another photo of the living room
13 area into the front bed room. It shows Bernadette lying
14 on the bed.

15 This chair, with the sweeper in front of the
16 chair, and the cord comes under the chair and comes out
17 from under it here into the living room.

18 Q You can see that cord better in the
19 other photograph?

20 A Yes.

21 Q Mr. Williams, I'll ask you again to
22 take your seat.

23 Trooper Williams, I'm now going to hand you
24 photographs which have been marked as State's Exhibits

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1 1, 3, 4, 5, 12, 85, 86, 87, 88, and 89, and ask you to
2 examine those.

3 Have you examined them?

4 A Yes.

5 Q Do those photographs accurately depict
6 both the slides that I showed the jury, the outside of
7 the house, as well as the inside of the house on December
8 13, 1979?

9 A Yes, they do.

10 Q I now hand you what has been marked for
11 identification purposes as State's Exhibits 50, 47, 57,
12 63, 46, 51, and 48, and ask you to examine these
13 photographs.

14 What are those photographs of, Trooper Williams?

15 A The Reggett home.

16 Q What room in particular?

17 A The kitchen.

18 Q Do those photographs of the kitchen
19 accurately depict the slides that were previously shown
20 to the jury and which you explained?

21 A Yes.

22 Q Do they accurately depict the kitchen
23 as you found the scene on December 13, 1979?

24 A Yes.

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1 Q Now, I'm going to hand you a group of
2 photographs which have been marked for identification
3 purposes as State's Exhibits 65, 21, 49, 58, and 84, and
4 ask you to look at these.

5 Okay, what are those photographs of, Trooper
6 Williams?

7 A It's the TV room.

8 Q And do those photographs accurately
9 depict the slides that I previously showed to the jury
10 which you've explained?

11 A Yes.

12 Q Do they accurately reflect the TV room
13 as you found it in the Reggett home on December 13,
14 1979?

15 A Yes.

16 Q I'm not going to hand you what has been
17 marked for identification purposes as State's Exhibit 81
18 and 38, and ask you if those photographs are also of the
19 TV room?

20 A Yes, they are.

21 Q Do they accurately depict the slide
22 which we viewed?

23 A Yes.

24 Q And the scene as you found it that day?

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1 A Yes.

2 Q Now, I'll hand you what has been marked
3 for identification purposes as State's Exhibit 32, 29,
4 41, 27, 35, 40, 56, 34, 16, 6, 20, and 45, and ask you
5 to examine these exhibits.

6 Trooper Williams, will you show us what these
7 photographs are of?

8 A They are of the back bed room.

9 Q Okay. And do these photographs
10 accurately depict what the jury and you viewed on the
11 slide projector previously?

12 A Yes.

13 Q And do they accurately and fairly
14 depict the scene and what the back bed room looked like
15 on December 13, 1979?

16 A Yes.

17 Q And again, those photographs are of the
18 back bed room and show the bodies of Vanessa Reggettz and
19 Paul Eric Reggettz?

20 A Yes.

21 Q Now, I'll show you what has been marked
22 for identification purposes as State's Exhibit 52 and 59.
23 Would you tell us what these photographs are of?

24 A The bath room.

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1 Q And do these photographs of the bath
2 room, in State's Exhibits 52 and 59 accurately depict and
3 correspond to the slides which I have previously shown
4 to you?

5 A Yes.

6 Q And do they also accurately and fairly
7 depict what you found on the scene on that date, the date
8 of the crime?

9 A Yes.

10 Q I'll now hand you State's Exhibits
11 which have been marked for identification, 82, 22, 8, 9,
12 64, and 15 and ask you to examine those please.

13 And what do those photographs depict?

14 A The living room.

15 Q And do those photographs correspond to
16 and accurately depict and reflect what the slides looked
17 like?

18 A Yes.

19 Q And do they also accurately depict what
20 the scene looked like on December 13, 1979?

21 A Yes.

22 Q Finally, I hand you what has been
23 marked for identification purposes as State's Exhibits
24 24, 54, 55, 66, 67, 69, 10, 79, 73, 74, and 71.

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1 Have you examined those exhibits?

2 A Yes.

3 Q What do they show?

4 A The front bed room.

5 Q Do those exhibits correspond with --

6 are those photographs which we viewed?

7 A Yes.

8 Q Of the front bed room?

9 A Yes.

10 Q Do they fairly and accurately depict

11 the view which we saw on the slides?

12 A Yes.

13 Q Do they fairly and accurately depict

14 the scene as you found it on December 13, 1979?

15 A Yes.

16 Q Now, in this group, I hand you what has

17 been marked as State's Exhibit 10. I believe we saw a

18 slide of that. I'm not sure I showed you the picture.

19 I'll withdraw that.

20 Is it your testimony that these photographs all

21 correspond to the slides that we saw?

22 A Yes.

23 Q And those slides have been made since

24 these photographs were taken?

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1 A Yes.

2 MR. REVERCOMB: Your Honor, may I have a moment?

3 THE COURT: Yes.

4 MR. REVERCOMB: Your Honor, it is the State's
5 feeling that this is a good place to break this morning.

6 THE COURT: Good. We'll take ten minutes, folks.

7

8 WHEREUPON, the Court stood in a recess in the
9 hearing of this case.

10

11 (Back on the Record)

12

13 BY MR. REVERCOMB:

14 Q Trooper Williams, you understand that
15 you are still sworn?

16 A Yes.

17 Q I'm now going to hand you what has been
18 marked as State's Exhibit 158 for identification
19 purposes. Could you tell us what this is?

20 A It's a pair of scissors that was
21 sticking in the chest of Vanessa Reggett.

22 Q That's on December 13, 1979?

23 A Yes.

24 Q And you observed these scissors

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1 sticking out of her chest?

2 A Yes.

3 Q Did you later receive custody of them?

4 A Yes.

5 Q Who did you receive them from?

6 A From Shumate.

7 Q That's Lieutenant David Shumate?

8 A Yes.

9 Q What is his job with the State Police?

10 A He's the fingerprint expert.

11 Q When did you receive this into your
12 custody from him?

13 A On January 23, 1980.

14 Q And they have been in your care,
15 custody and control until you brought them into Court?

16 A Yes.

17 Q Now, I hand you what has been marked
18 for identification purposes as State's Exhibit 104 and
19 ask you to examine this exhibit and tell us what it is?

20 A This is a bullet that I recovered from
21 the back bed room.

22 Q Would you tell us where you recovered
23 it?

24 A From under the bed in the back bed

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1 room, at the head of the bed.

2 Q Did that bullet, the location of that
3 bullet, where you found that bullet, correspond with the
4 powder burns?

5 A Yes.

6 Q What else is included in State's
7 Exhibit 104?

8 A There was a card where I lifted the gun
9 powder residue from the sheet on the bed.

10 Q How did you do that, Trooper Williams?

11 A With a piece of tape. I took a piece
12 of tape, put the tape down over the gun powder residue
13 and lifted it up and placed it on the card.

14 Q After recovering this yourself on
15 December 13, 1979, what did you do with it?

16 A I submitted it to Lieutenant Lane in
17 the lab.

18 Q What is his job at the lab?

19 A Firearms expert.

20 Q I now hand you what has been marked for
21 identification purposes as State's Exhibit 108. Please
22 tell us what that is?

23 A Pieces of a broken knife.

24 Q Did you see that exhibit at the scene

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1 that day?

2 A Yes.

3 Q Did that later come into your custody?

4 A Yes.

5 Q Who did you get this from?

6 A Fred Zain.

7 Q When did you get it?

8 A March 31, 1980.

9 Q What is -- well, what was Trooper
10 Zain's job at the Department of Public Safety?

11 A He worked in serology.

12 Q Have you altered the condition of this
13 exhibit in any way since receiving it?

14 A No.

15 Q Has it been in your care, custody and
16 control until you brought it to Court?

17 A Yes.

18 Q And this exhibit is what we viewed in
19 the slide, the pieces of the knife in the floor?

20 A Yes.

21 Q I'd ask you to look again at the pieces
22 of that knife blade. Describe it to the jury and the
23 Court.

24 A The biggest piece here, you can see

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1 that there is a large amount of what appears to be blood
2 on the knife.

3 Q And this big piece, you identified this
4 as the piece that was in the floor?

5 A Yes.

6 Q I now hand you what has been marked for
7 identification purposes as State's Exhibit 101, and ask
8 you to tell us what this is?

9 A This is a knife handle.

10 Q Is this the same knife handle that you
11 found in the floor of the TV room?

12 A Yes.

13 Q Did you later have this come back into
14 your custody?

15 A Yes.

16 Q Who did you receive it from?

17 A Lieutenant Shumate.

18 Q When?

19 A On January 23, 1980.

20 Q Has that been in your care, custody and
21 control until bringing it into Court?

22 A Yes.

23 Q Now, I'm going to hand you what has
24 been marked for identification purposes as State's

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1 Exhibit 98, and ask you to examine that, and tell us what
2 this is?

3 A It's a time card from UPS.

4 Q Whose time card is that?

5 A Paul Reggett.

6 Q Is that his time card for December 13,
7 1979?

8 A Yes.

9 Q How did this -- how did the State
10 Police get hold of this?

11 A Trooper Rinehart went to UPS and picked
12 it up.

13 Q Do you know when?

14 A December 13, 1979.

15 Q Trooper Rinehart was stationed where?

16 A Glasgow.

17 Q That's the State Police Detachment at
18 Glasgow?

19 A Yes.

20 Q Was this in your care, custody and
21 control after receiving it from Trooper Rinehart until
22 you brought it to Court?

23 A Yes.

24 Q Now, I hand you an envelope which has

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1 been marked as State's Exhibit 103 for identification.

2 I ask you to open that up and examine the contents.

3 Would you tell us what State's Exhibit 103
4 consists of?

5 A Yes. You've got two gun handles from
6 a pistol, and pieces of a gun butt, broken pieces of a
7 gun butt.

8 Q Is there any way to tell the make of
9 this pistol, these grips that the gun butt goes to?

10 A Yes.

11 Q How can you tell that?

12 A On the grips, it has an RG on the side
13 of one of the grips.

14 Q RG is the make of the gun?

15 A Yes, it's the make of the gun.

16 Q Is there any way to tell the serial
17 number of the gun with what pieces you have?

18 A Yes. On the piece of the broken gun
19 butt, at the bottom of it, is the serial number of the
20 gun.

21 Q And what is the serial number?

22 A 147611.

23 Q You can put them back in the envelope
24 now.

Williams - Direct

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1 I now hand you what has been marked for
2 identification purposes as State's Exhibit 99. Can you
3 tell us what this exhibit is, Trooper Williams?

4 A This is a child's set of dishes.

5 Q Could you speak a little louder,
6 please?

7 A Children's dishes.

8 Q Is that exhibit shown in the
9 photographs and slides that we viewed?

10 A Yes.

11 Q Is that one of the packages that you
12 testified that the wrapping paper had been torn?

13 A Yes.

14 Q And did you recently receive custody of
15 this?

16 A Yes.

17 Q Who did you receive it from?

18 A Corporal Shumate or Lieutenant Shumate.
19 Oh, no, I got this from Zain, I believe.

20 Q Has it been in your care, custody and
21 control since you received it and until you brought it
22 to Court?

23 A Yes.

24 Q Did you alter it in any way?

Williams - Direct

482

1 A No.

2 Q Have you resubmitted this package to
3 anyone recently?

4 A Yes.

5 Q Where was that?

6 A It was submitted to Fred Zain in San
7 Antonio, Texas.

8 Q Did you receive it back from him?

9 A Yes.

10 Q Do you remember in what manner you
11 received it back?

12 A Certified Mail.

13 Q How did you sent it to him?

14 A I sent it through Federal Express.

15 Q Now, I'll show you what's been marked
16 for identification purposes as State's Exhibit 106, and
17 ask you to tell us what this is?

18 A It's a green lantern found in the TV
19 room -- in the chair in the TV room.

20 Q And that is shown in the exhibits and
21 photographs that we have already viewed?

22 A Yes.

23 Q Did you later receive this back in your
24 custody?

Williams - Direct

483

- 1 A Yes.
- 2 Q Who from?
- 3 A Fred Zain.
- 4 Q Do you remember the date?
- 5 A March 31, 1980.
- 6 Q Again, Trooper Zain is a serologist?
- 7 A Yes.
- 8 Q Has it been in your care, custody and
- 9 control after receiving it back from Trooper Zain until
- 10 you brought it to Court?
- 11 A Yes.
- 12 Q Have you altered this in any way?
- 13 A No.
- 14 Q Now, I want to show you what has been
- 15 marked as State's Exhibit 105 for identification, and ask
- 16 you to examine this. Can you tell us what this is,
- 17 Trooper Williams?
- 18 A A sweeper.
- 19 Q Is this the sweeper you testified to
- 20 previously in the slides this morning?
- 21 A Yes.
- 22 Q Would you also point out the condition
- 23 of the cord at the bottom?
- 24 A You can see right here on the cord that

Williams - Direct

484

1 it's frayed, torn a little bit, where it goes into the
2 sweeper.

3 Q Who did you receive this exhibit from?

4 A Shumate.

5 Q That's Lieutenant Shumate?

6 A Yes.

7 Q When did you receive it back from him?

8 A January 23, 1980.

9 Q And is it in the same condition when
10 you initially saw it on December 13, 1979?

11 A No.

12 Q What is different about it?

13 A It's got fingerprint powder all over
14 it.

15 Q Again, that has been in your care,
16 custody and control until you brought it to Court?

17 A Yes.

18 Q I'll now hand you what has been marked
19 for identification purposes as State's Exhibit 107 and
20 ask you what this is?

21 A It was something that was under the
22 Christmas tree, some kind of bowl, glass type.

23 Q Is that also in the photographs you saw
24 this morning?

Williams - Direct

485

1 A Yes.

2 Q Who did you receive this exhibit back
3 from?

4 A Zain.

5 Q On what date?

6 A March 31, 1980.

7 Q Has that been in your care, custody and
8 control until bringing it to Court?

9 A Yes.

10 Q Have you altered this exhibit in any
11 way?

12 A No.

13 Q Now, I'll hand you what has been marked
14 for identification purposes as State's Exhibit 109.
15 Would you pull that out of the envelope and tell us what
16 it is?

17 A It's a curtain from the back door in
18 the kitchen.

19 Q Is it the curtain that was shown in
20 Exhibit 63?

21 A Yes.

22 Q After the initial scene that day, did
23 this later come back into your care, custody and control?

24 A Yes.

Williams -- Direct

486

- 1 Q When was that?
- 2 A March 31, 1980.
- 3 Q Who did you receive it from?
- 4 A Lieutenant Zain.
- 5 Q Is it in the same condition that it was
- 6 at that time you initially saw it on December 13th?
- 7 A No.
- 8 Q What is different about it?
- 9 A It has a piece cut out of it.
- 10 Q Those pieces were cut out by someone in
- 11 the lab for experiments?
- 12 A Yes.
- 13 Q Did you have occasion again to submit
- 14 this to Mr. Zain?
- 15 A Yes.
- 16 Q Do you remember when that was?
- 17 A It was December 14.
- 18 Q What year?
- 19 A 1989.
- 20 Q How did you submit it to him?
- 21 A I sent to through Federal Express.
- 22 Q Did you receive it back from him?
- 23 A Yes.
- 24 Q Was it also Certified Mail?

Williams -- Direct

487

1 A Yes.

2 Q Has it been in your care, custody and
3 control until bringing it to Court?

4 A Yes.

5 Q I now hand you what has been marked for
6 identification purposes as Exhibit 110-A. Can you tell
7 us what this is?

8 A This is a piece of the white extension
9 cord.

10 Q And where was this cord at the scene?

11 A Around the neck of Vanessa Reggett.

12 Q Who did you receive this cord from
13 afterwards?

14 A Zain.

15 Q Did you receive any exhibits from the
16 Medical Examiner's office?

17 A Yes.

18 Q What did you receive from the Medical
19 Examiner's office?

20 A I received the cord from him, not Zain.

21 Q What else did you receive from the
22 Medical Examiner's office?

23 A I received some blood samples from
24 Bernadette and Paul Eric and the clothes.

Williams - Direct

488

1 Q Clothing from the home?

2 A Of Vanessa, Bernadette and Paul Eric.

3 Q Did you receive any other cords other
4 than this one?

5 A Yes.

6 Q What other cords? Where were they
7 purported to be?

8 A A cord lying on the bed, that was
9 laying beside Paul Eric.

10 Q That went to the clock radio?

11 A Yes.

12 Q Has this cord, 110-A, been in your
13 care, custody and control before bringing it into Court?

14 A Yes.

15 Q When did you get this, do you remember?

16 A December 17, 1979.

17 Q From Dr. Sopher?

18 A Yes.

19 Q Now, I hand you what's been marked as
20 State's Exhibit 110-B for identification purposes.

21 A That is part of the extension cord.

22 Q And where was this found?

23 A It was around the neck of Vanessa
24 Reggett. This part here went through the hole where the

Williams - Direct

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1 door knob should be.

2 Q Are you saying that 110-A and 110-B
3 were attached?

4 A Yes.

5 Q So, the condition of this exhibit has
6 changed?

7 A Yes.

8 Q What is that?

9 A We had to cut it to get this part
10 through the door knob, where the hole was in the door
11 knob, they couldn't get it through.

12 Q Do you remember who you received this
13 exhibit from?

14 A I got this from Zain.

15 Q When was that?

16 A March 31, 1980.

17 Q That's Fred Zain, the serologist?

18 A Yes.

19 Q Has that been in your care, custody and
20 control until bringing it to Court?

21 A Yes.

22 Q And I know hand you what has been
23 marked for identification purposes as State's Exhibit
24 111.

Williams - Direct

490

1 A It's a brown cord, electrical cord.

2 Q Do you know where this cord was located
3 at the scene?

4 A Around the neck of Vanessa Reggettz.

5 Q And who did you later receive this cord
6 from?

7 A From Dr. Sopher.

8 Q And on what date?

9 A December 17, 1979.

10 Q Has it been in your care, custody and
11 control from that date until you brought it to Court?

12 A Yes.

13 Q I now hand you what has been marked as
14 State's Exhibit 112, for identification purposes.

15 A It's another piece of brown extension
16 cord, electrical cord.

17 Q Where did you find this?

18 A At the feet of Vanessa Reggettz.

19 Q Who removed that from the scene?

20 A I did.

21 Q Has it been in your care, custody and
22 control since that time until bringing it to Court?

23 A Yes.

24 Q Have you altered it in any way?

Williams - Direct

491

1 A No.

2 Q I now hand you what has been marked for
3 identification purposes as State's Exhibit 113.

4 A This is a white cord that was lying
5 beside Paul Eric Reggett on the bed, in the back bed
6 room.

7 Q And who did you receive this cord from?

8 A From Dr. Sopher.

9 Q On what date?

10 A December 17, 1979.

11 Q Has it been in your care, custody and
12 control from that date until bringing it to Court?

13 A Yes.

14 Q I now hand you what has been marked for
15 identification purposes as State's Exhibit 114. Would
16 you open it up and tell us what this exhibit consists of?

17 A It's wrapping paper.

18 Q Was that wrapping paper found at the
19 scene on December 13, 1979?

20 A Yes.

21 Q And that is the same wrapping paper
22 that was previously seen on the slide?

23 A Yes.

24 Q Is there any change in the condition of

Williams - Direct

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1 it today from when you first saw it on December 13, 1979?

2 A Yes.

3 Q What is that difference?

4 A There is a piece of paper cut out here,
5 and here, and here.

6 Q Do you know for what purpose?

7 A Lieutenant Zain cut these pieces out it
8 out. They're what appeared to have blood on them.

9 Q And who did you receive that back from?

10 A Zain.

11 Q Do you know the date?

12 A March 31, 1980.

13 Q Trooper Williams, did you later have
14 occasion to resubmit this to Mr. Zain?

15 A Yes.

16 Q When was that?

17 A December 14, 1989.

18 Q Did you submit that with some other
19 exhibits which you've already testified to?

20 A Yes.

21 Q And you did it by Federal Express?

22 A Yes.

23 Q Did you get it back from Trooper Zain?

24 A Yes.

Williams - Direct

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1 Q Other than that, has this exhibit been
2 in your care, custody and control until bringing it to
3 Court?

4 A Yes.

5 Q I'll now hand you what has been marked
6 for identification purposes as State's Exhibit 115, and
7 ask you to open that envelope, and tell the Court and
8 jury what this exhibit consists of?

9 A This is a change purse that was on the
10 dresser in the front bed room.

11 Q I think you've previously identified
12 that on a slide?

13 A Yes.

14 Q Who did you receive this from?

15 A Zain.

16 Q When was that?

17 A March 31, 1980.

18 Q Until that time, was it in your care,
19 custody and control until bringing it in to Court?

20 A Yes.

21 Q I'm now going to hand you what's been
22 marked for identification purposes as State's Exhibit
23 116-A. Would you hold that up and tell us what that is?

24 A This is the top that Bernadette

Williams - Direct

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1 Reggett was wearing on the morning of December 13, 1979.

2 Q Who did you receive this exhibit back
3 from?

4 A Zain.

5 Q When?

6 A March 31, 1980.

7 Q Who did you receive it from before you
8 gave it to Trooper Zain?

9 A Dr. Sopher.

10 Q When was that?

11 A December 17, 1979.

12 Q Do you recall when you submitted this
13 to Trooper Zain?

14 A I believe it was on January the 7th,
15 1980.

16 Q Between December 17th and January 7th,
17 this was in your sole care, custody and control?

18 A Yes.

19 Q Did you alter this exhibit in any way?

20 A No.

21 Q Is this exhibit in the same condition
22 as you initially saw it that morning and that afternoon
23 of December 13, 1979?

24 A No.

Williams - Direct

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1 Q What is different about it?

2 A There is pieces of it cut out right
3 here, on the left shoulder, and here, on the top.

4 Q There is also a piece out down here
5 along the side?

6 A There is another piece down here on the
7 left side and on the right shoulder.

8 Q Those were cut out by whom?

9 A Zain.

10 Q Since you received this, has it been in
11 your care, custody and control?

12 A Yes.

13 Q Did you resubmit this?

14 A Yes.

15 Q When was that?

16 A On December 14, 1989, I submitted it to
17 Zain again.

18 Q Just so we're clear, that's ten years
19 after the crime?

20 A Yes.

21 Q Now, I want to hand you what has been
22 marked for identification as State's Exhibit 100, for
23 identification purposes. Could you show us what this is,
24 Trooper Williams?

Williams - Direct

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1 A It is flatware.

2 Q And where did you receive this exhibit
3 from?

4 A Arbutus Johnson.

5 Q At the time that you received this,
6 where did she live?

7 A She lived at the Town 'N Country Motel
8 in St. Albans.

9 Q Do you recall when you received this?

10 A February 6, 1980.

11 Q Who was with you when you received it?

12 A Trooper Smith.

13 Q Who actually received it first?

14 A Trooper Smith.

15 Q He gave it to you?

16 A Yes.

17 Q What did you do with it?

18 A I submitted it to the fingerprint lab.

19 Q That's Lieutenant Shumate?

20 A Yes.

21 Q Was he a Corporal at the time?

22 A Yes.

23 Q Is it in the same condition as when you
24 initially saw it?

Williams - Direct

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1 A No.

2 Q What is different about it?

3 A It has got fingerprint powder on it.

4 Q Who did you receive it back from?

5 A We received it back from Zain.

6 Q And he is a forensic serologist?

7 A Yes.

8 Q Now, was this exhibit in your care,

9 custody and control until bringing it to Court?

10 A Yes.

11 Q Has it been altered in any way?

12 A No.

13 Q Trooper Williams, did you submit any of

14 Paul Reggett's clothes to Trooper Zain?

15 A Yes.

16 Q What did that consist of, if you know?

17 A Well, we submitted most of his work

18 clothes that we got from United Parcel Service where he

19 worked. We submitted the clothes he was wearing on

20 December 13, 1979. We took most of his clothes that were

21 in his house, in his home, and submitted those also.

22 Q What did his clothing consist of?

23 A Work pants, shirts, jeans, underwear,

24 and T-Shirts.

Williams - Direct

498

1 Q Some of the work clothes, you got from
2 UPS -- were some of them soiled and dirty?

3 A Yes.

4 Q And some were clean?

5 A Yes.

6 Q Did you have occasion to get a sample
7 of Paul Reggett's known blood in the course of your
8 investigation?

9 A Yes.

10 Q Can you tell the Court how that was
11 done?

12 A We went to Charleston General Hospital.
13 A lab technician withdrew the blood.

14 Q Was that done in your presence?

15 A Yes.

16 Q Then what did you do with that blood?

17 A I submitted it to Zain.

18 Q How long a time elapsed between the
19 getting of the blood and the time you submitted it?

20 A Twenty or thirty minutes.

21 Q You did it the same day?

22 A Yes.

23 Q Did you alter that blood in any way?

24 A No.

Williams - Direct

499

1 Q You testified earlier that you got Paul
2 Eric's blood, a known sample, and Bernadette Reggett's
3 known blood from the Medical Examiner?

4 A Yes.

5 Q I think you testified that you got that
6 on December 17, 1979?

7 A Yes.

8 Q What did you do with that blood?

9 A I submitted it to Zain.

10 Q On what date?

11 A On the same date, December 17th.

12 Q So, you didn't have that in your
13 custody very long?

14 A No.

15 Q Did you do anything to those exhibits?

16 A No.

17 Q I'll hand you now what's been marked
18 for identification purposes as State's Exhibit 154, and
19 ask you to examine that and tell us what that is?

20 A It's a Lombardi bowl that was under the
21 Christmas tree in the living room.

22 Q Was that exhibit reflected in some of
23 the slides and photographs that we have seen?

24 A Yes.

Williams - Direct

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- 1 Q Who did you receive this exhibit from?
- 2 A Lieutenant Shumate.
- 3 Q Do you recall the date?
- 4 A January 23, 1980.
- 5 Q Is it in the same condition as you
- 6 initially saw it on December 13th?
- 7 A No.
- 8 Q What is different about it?
- 9 A It's got fingerprint powder on it.
- 10 Q Has this been in your care, custody and
- 11 control since that time, until bringing it to Court?
- 12 A Yes.
- 13 Q I'd like to hand you what has been
- 14 identified for identification purposes as State's Exhibit
- 15 157. Would you tell us what this exhibit is?
- 16 A A box of handkerchiefs.
- 17 Q Where did you get this?
- 18 A This was a package under the Christmas
- 19 tree in the Reggettz home on December 13, 1979.
- 20 Q When you found it, was it wrapped or
- 21 unwrapped?
- 22 A It was partially wrapped. Part of the
- 23 paper was torn off of it.
- 24 Q Did you later receive custody of this

Williams - Direct

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1 exhibit?

2 A Yes.

3 Q From whom?

4 A Shumate.

5 Q Is it in the same condition as you
6 initially saw it?

7 A No.

8 Q What is different about it?

9 A It has fingerprint powder on it.

10 Q And this has been in your care, custody
11 and control since you received it from Lieutenant
12 Shumate?

13 A Yes.

14 Q And when, do you recall, did you
15 receive this back from Lieutenant Shumate?

16 A January 23, 1980.

17 Q I'm now going to hand you what has been
18 marked as State's Exhibit 155, and ask you to examine
19 that. Can you tell us what that exhibit is?

20 A It's the nightgown that Vanessa
21 Reggett was wearing on December 13, 1979.

22 Q When you first observed her body there?

23 A Yes.

24 Q Did you have occasion to receive this

Williams - Direct

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1 back into your custody?

2 A Yes.

3 Q When was that?

4 A December 17, 1979.

5 Q Who did you receive this from?

6 A Trooper Smith received it from the
7 Medical Examiner.

8 Q Did you receive it back into your
9 custody some time later after that?

10 A Yes.

11 Q Who did you receive it back from?

12 A Zain.

13 Q That's Trooper Zain?

14 A Yes.

15 Q Do you recall the date?

16 JUROR NO. 2: When the two gentlemen are facing
17 each other, I have a little trouble hearing. If they'll
18 look this way, I can hear them better.

19 BY MR. REVERCOMB:

20 Q Do you recall the date you received
21 this back from Trooper Zain?

22 A March 31, 1980.

23 Q And this exhibit -- I previously showed
24 you Exhibit 155, has been in your care, custody and

Williams - Direct

503

1 control until bringing it to Court?

2 A Yes.

3 Q I now hand you what has been marked for
4 identification purposes as State's Exhibit 156.

5 A This is the pajamas that Paul Eric was
6 wearing on December 13, 1979, when I saw him at the
7 scene.

8 Q Are those pajamas reflected in the
9 photos that we viewed?

10 A Yes.

11 Q When did you receive those into your
12 custody?

13 A December 17, 1979.

14 Q From whom?

15 A Dr. Sopher.

16 Q Have they been in your care, custody
17 and control until you came to Court?

18 A Yes.

19 Q You brought them to Court?

20 A Yes.

21 Q Now, I'm going to hand you what's been
22 marked for identification purposes as State's Exhibit
23 127. Would you tell us what exhibit this is, Trooper
24 Williams?

Williams - Direct

504

1 A This is the clock radio that was lying
2 at the foot of the bed in the back bed room.

3 Q Has that been reflected in some of the
4 slides that we've seen this morning?

5 A Yes.

6 Q And who did you receive this exhibit
7 from?

8 A Shumate.

9 Q Do you recall the date?

10 A January 23, 1980.

11 Q Is it in the same condition as when you
12 saw it at the scene?

13 A No.

14 Q What time is reflected on the front of
15 the clock?

16 A 6:17.

17 Q You don't know if that's a.m. or p.m.?

18 A No, I don't.

19 Q Since receiving that back from
20 Lieutenant Shumate, has that been in your care, custody
21 and control until bringing it to Court?

22 A Yes.

23 MR. REVERCOMB: May I have a moment, your Honor?

24 THE COURT: Yes.

Williams - Direct

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1 BY MR. REVERCOMB:

2 Q Trooper Williams, the exhibit I just
3 showed you, State's Exhibit 120, the clock radio, you've
4 stated that it wasn't in the same condition as it was
5 when you saw it. What is different about it?

6 A It has fingerprint powder all over it.

7 Q I want to call your attention now to
8 April 22, 1980, and ask you what you did in the course
9 of this investigation on that date?

10 A I went to Cleveland, Ohio.

11 Q Could you speak up, please?

12 A I went to Cleveland, Ohio.

13 Q What was the purpose of that?

14 A To obtain a blood sample from John
15 Moss.

16 Q How was this blood sample obtained?

17 A By a doctor.

18 Q Was his blood drawn in your presence?

19 A Yes.

20 Q How many tubes did you get?

21 A Two.

22 Q This is on April 22, 1980?

23 A Yes.

24 Q What did you do with that blood?

Williams - Direct

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1 A I submitted it to Zain at the lab.

2 Q What date was that?

3 A April 22, 1980.

4 Q During the time you took the blood, and
5 John Moss was in your custody, did you alter it in any
6 way?

7 A No.

8 Q I now want to turn your attention to
9 the date of October 28, 1980, and ask you what you did
10 on that date for this investigation?

11 A I traveled to Mansfield, Ohio.

12 Q For what purpose?

13 A To bring John Moss back to Charleston.

14 Q What was the date?

15 A October 28, 1980.

16 Q Did anyone go with you?

17 A Yes.

18 Q Who was that?

19 A Trooper Mike Smith.

20 Q How were you dressed?

21 A Jeans and a casual shirt.

22 Q How was he dressed?

23 A Jeans and a casual shirt.

24 Q What kind of vehicle did you go in?

Williams - Direct

507

1 A A State Police cruiser, unmarked.

2 Q Unmarked?

3 A Yes.

4 Q Did you and Trooper Smith have any
5 weapons with you?

6 A Yes.

7 Q What did you have?

8 A I had a nine millimeter.

9 Q Where was it?

10 A In my pants.

11 Q What about Trooper Smith -- did he have
12 a weapon?

13 A Yes.

14 Q Do you recall what it was?

15 A A .38.

16 Q What time do you think you took custody
17 of Mr. Moss?

18 A It was approximately 2:00 o'clock in
19 the afternoon.

20 Q What did you do upon taking custody of
21 him?

22 A I searched him.

23 Q What did you find in this search?

24 A I found some change, a comb, some

Williams - Direct

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1 cigarettes and matches.

2 Q Did he have any luggage with him?

3 A He had a duffle bag.

4 Q The items which you have identified --
5 is that all he had with him?

6 A That's all I recall he had, yes.

7 Q Did you allow him to get anything out
8 of his duffle bag?

9 A Yes.

10 Q What was that?

11 A Some cigarettes.

12 Q Some more cigarettes?

13 A Yes.

14 Q After you searched him, was he
15 handcuffed?

16 A Yes.

17 Q And how was he handcuffed?

18 A With his hands behind his back.

19 Q Did the position of his handcuffs
20 change at all?

21 A Yes.

22 Q When was that?

23 A When we put him in the cruiser, we took
24 the handcuffs from behind his back and handcuffed one

Williams - Direct

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1 arm, and handcuffed the other hand to the headrest on the
2 passenger side.

3 Q Where was he sitting?

4 A In the back seat of the passenger side,
5 behind the passenger seat.

6 Q You say one of his arms you handcuffed
7 to the front headrest?

8 A Yes.

9 Q Where was his other arm?

10 A It was free.

11 Q Why did you do that?

12 A Well, myself and Trooper Smith were not
13 familiar with the man's familiarity with the area. We
14 knew we'd have to stop to get gas, and also to drive
15 through the town until we got on the interstate. We did
16 that for our protection and also since we'd be stopping
17 for gas, we didn't want him to escape.

18 Q Did you stop for gas before you left
19 Mansfield?

20 A Yes.

21 Q And if he was in the back seat, how
22 could he get out the back door?

23 A Well, all he had to do was reach up.
24 We have door locks on the cruiser, the type that you pull

Williams - Direct

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1 up and push down, on the front driver's door and the
2 front passenger's door. You could reach up -- anybody
3 from the back seat, if they reached up and pulled up on
4 that lock, it would unlock all four doors.

5 Q Did the position of the handcuffs
6 change again once you got on the interstate?

7 A Yes.

8 Q How was that?

9 A We took the handcuffs off the headrest
10 and handcuffed his other arm in front.

11 Q So, he was just handcuffed in front?

12 A Yes.

13 Q He was no longer handcuffed to the
14 headrest?

15 A No.

16 Q Why did you do that?

17 A Well, we were going down the
18 interstate, and just to make it more comfortable for him,
19 and also so he could smoke, if he wanted to smoke.

20 Q Did there come a time that Trooper
21 Smith got in the back seat of the cruiser?

22 A Yes.

23 Q What did he do after he got in the back
24 seat?

Williams - Direct

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- 1 A He read John Moss his rights.
- 2 Q How did he do that?
- 3 A From the back of an I.D. card.
- 4 Q You all carry these I.D. cards?
- 5 A Yes.
- 6 Q What do they have on the back of them?
- 7 A The Miranda Warning.
- 8 Q Did you observe Trooper Smith advise
- 9 him of his rights?
- 10 A Yes.
- 11 Q Could you see him at all?
- 12 A Yes.
- 13 Q Could you explain how you saw him
- 14 advise him of his rights?
- 15 A Occasionally, I would look back. I
- 16 could see him through my rearview mirror.
- 17 Q After Trooper Smith read Mr. Moss, the
- 18 defendant, his rights, what happened then?
- 19 A We told him that we needed to talk to
- 20 him about something serious that had happened in West
- 21 Virginia. It was a serious crime, and we needed to get
- 22 it straightened out. John did not respond to that.
- 23 Then Trooper Smith said, "Why do you think we got
- 24 your blood?" And John then -- he said we need to get

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1 this straightened out, and John acknowledged that he knew
2 what he was talking about, and that he would talk with
3 us.

4 Q Did he indicate that he was free to
5 talk with you about this crime?

6 A Yes.

7 Q Was the name Reggettz ever mentioned in
8 the back seat?

9 A No.

10 Q Was it mentioned in the cruiser as you
11 traveled from Mansfield at all?

12 A No.

13 Q After he agreed to acknowledge that he
14 knew what Trooper Smith was talking about, did he agree
15 to talk to you about it? What happened after that?

16 A He got back up into the front seat.

17 Q Did you say anything to John?

18 A No. Just general conversation the rest
19 of the way.

20 Q Why didn't he go ahead and question
21 John then?

22 A He did say before he got back up in the
23 front seat, he did say, "John acknowledged that he knew
24 what we were talking about," or knew what Trooper Smith

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1 was talking about.

2 Trooper Smith said he knew that it would be
3 better discussed other than in the back seat of a
4 cruiser, and we waited until we got to Parkersburg where
5 we could sit down face-to-face and talk with each other.

6 Also, we wanted to get something to eat and
7 something to drink and relax a little bit.

8 Q What did the conversation consist of
9 after Trooper Zain got up -- or Trooper Smith got back
10 up?

11 A Just general conversation.

12 Q Did you stop along the way?

13 A Yes.

14 Q For what purpose?

15 A We stopped and got gas and also to use
16 the bath room. We got something to drink and some
17 crackers to eat on the way.

18 Q Did you allow the defendant to use the
19 bath room?

20 A Yes.

21 Q He had something to drink or eat?

22 A Yes.

23 Q From the time that Trooper Smith was in
24 the back seat with the defendant, was John Moss

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1 threatened in any way?

2 A No.

3 Q Was he promised anything in return for
4 his talking?

5 A No.

6 Q Was he struck or hit or punched?

7 A No.

8 Q What happened upon arriving in
9 Parkersburg? Can you tell us about that?

10 A Well, we pulled into the lot at the
11 back of the detachment.

12 Q The State Police Detachment?

13 A Yes. We went in the back door --
14 Trooper Smith and myself and John Moss.

15 Q What time would you say you got to the
16 detachment?

17 A I would say it was around 6:00 o'clock
18 or a little after -- somewhere in that area.

19 Q 6:30, perhaps?

20 A Yes.

21 Q Who was there at that detachment?

22 A Sergeant Presson.

23 Q I believe you testified that you parked
24 in the back?

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1 A Yes.

2 Q How did you know that the detachment
3 was there?

4 A There is a parking lot on the front
5 part of the detachment, and there is one in the back
6 where they have the gas pump.

7 Q You stopped at Parkersburg to get gas?

8 A Yes.

9 Q Which door did you enter into at the
10 detachment?

11 A The rear door.

12 Q Where did you take the defendant at
13 that time?

14 A We took him into an office inside the
15 detachment.

16 Q Who was there?

17 A Sergeant Presson, and I believe there
18 were a couple of radio operators there, also.

19 Q Who was Sergeant Presson?

20 A He is the sergeant over that
21 detachment.

22 Q He was at that time?

23 A Yes.

24 Q After arriving at the office and

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1 meeting with Sergeant Presson, what did you and Trooper
2 Smith do?

3 A Myself and Trooper Smith went to the
4 bath room first.

5 Q Where was the defendant?

6 A He was in the office with Sergeant
7 Presson.

8 Q After you and Trooper Smith used the
9 rest room, what occurred?

10 A I took John to the rest room.

11 Q Was he handcuffed at this time?

12 A No, I took the handcuffs off.

13 Q Both arms were free?

14 A Yes.

15 Q How was he handcuffed as he was led
16 from the car to the detachment?

17 A With his hands in the front.

18 Q After you took John Moss to the rest
19 room, where did you take him?

20 A Back into the office.

21 Q And what happened at that point?

22 A I advised John of his constitutional
23 rights.

24 Q How did you do that?

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1 A From DPS Form 79.

2 Q What is DPS Form 79?

3 A It's a form that has the rights wrote
4 out on the form.

5 Q Trooper Williams, I am going to hand
6 you what has been marked for identification purposes as
7 State's Exhibit 92. Would you tell the Court and Jury
8 what that exhibit is?

9 A This is DPS Form 79.

10 Q And whose writing appears on that?

11 A Mine, Trooper Smith, and John Moss,
12 III.

13 Q Now, would you explain what that form
14 consists of?

15 A On the top it has Your Rights. Then
16 it's got a place and a blank line for not guilty and a
17 blank line for guilty.

18 Q What words did you fill it in with?

19 A Parkersburg State Police Detachment.

20 Q What about the date?

21 A It's got the date and a blank line. I
22 filled in 10/28/80.

23 Q What about the time?

24 A The time -- I filled in 6:50 p.m.,

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1 Eastern Standard Time.

2 Q After filling in that time, and the
3 blanks at the top of the form, what did you do?

4 A I read the form to John.

5 Q Would you read the form for the Court
6 as you read it to John on that evening?

7 A It says, "Before we ask you any
8 questions you must understand your rights. You have the
9 right to remain silent. Anything you say can be used
10 against you in Court. You have the right to talk to a
11 lawyer for advice before we ask you any questions and to
12 have him with you during any questioning. If you cannot
13 afford a lawyer, one will be appointed for you before any
14 questioning, if you wish. If you decide to answer
15 questions now without a lawyer present, you will still
16 have the right to stop answering at any time. You also
17 have the right to stop answering at any time until you
18 have talked to a lawyer."

19 Then there is the Waiver of Rights. "I have this
20 day had my rights read to me and I understand what my
21 rights are. I am willing to make a statement and answer
22 questions. I do not want a lawyer at this time. I
23 understand and know what I'm doing. No promises or
24 threats have been made to me, and no pressure or coercion

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1 of any kind have been used against me."

2 Q And was that form signed?

3 A Yes.

4 Q Who was it signed by?

5 A John Moss, III.

6 Q After you read Mr. Moss's rights, did
7 he indicate that he understood his rights?

8 A Yes.

9 Q And who witnessed his signature?

10 A Myself and Trooper Smith.

11 Q This form that you're talking about,
12 DPS Form 79, did you have one of these forms in the car?

13 A No.

14 Q Where did you get this form?

15 A At the Parkersburg State Police
16 Detachment.

17 Q After his rights were read to him and
18 he signed it, what time did he sign it, approximately?

19 A 6:57 p.m. is when I witnessed that he
20 signed it.

21 Q Was that after the rights were read to
22 him, when he signed it?

23 A Yes. Then I witnessed it and Trooper
24 Smith witnessed it and he was questioned.

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1 Q Who questioned Mr. Moss at that time?

2 A Trooper Smith.

3 Q Where were you?

4 A I was in the room, also.

5 Q Did you ask questions, too?

6 A Occasionally, I did. Trooper Smith did
7 most of the questioning.

8 Q During the questioning proceeding by
9 Trooper Smith, with some occasional questioning by you,
10 were any breaks taken?

11 A Yes.

12 Q For what purpose?

13 A To use the bath room and get a drink of
14 water. And also we had sent one of the radio operators
15 to get us something to eat and drink.

16 Q You say to get us something to eat --
17 was food and drink brought for the defendant, John Moss?

18 A Yes.

19 Q Do you recall what that food consisted
20 of?

21 A It was some kind of submarine
22 sandwiches or something like that.

23 Q During this questioning, did the
24 defendant ever request a lawyer?

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1 A No.

2 Q Did he ever request the questioning to
3 stop?

4 A No.

5 Q Did he at any point -- was he at any
6 point threatened by either you or Trooper Smith?

7 A No.

8 Q By anyone else?

9 A No.

10 Q Was he ever promised anything by either
11 you or Trooper Smith?

12 A No.

13 Q Was he ever physically or emotionally
14 abused, or in any way hit or struck ---

15 A No.

16 Q -- by anyone?

17 A No.

18 Q How long did the questioning last,
19 approximately?

20 A About two hours or so.

21 Q During this time, was John told what to
22 say?

23 A No.

24 Q Was he provided with any answers?

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1 A No.

2 Q At any time, did you leave the room?

3 A Yes.

4 Q When was that and for what?

5 A It was in the early part of the
6 questioning.

7 Q Why did you leave the room?

8 A I just felt like -- when we first
9 started questioning, John kept saying that he couldn't
10 remember, he couldn't remember. I thought maybe he would
11 feel more at ease with a one-on-one situation, than
12 having two on one. So I got up and left.

13 Q How long were you gone?

14 A Just a few minutes; not very long.

15 Q What occasion did you go back into the
16 room?

17 A They were talking about John being at
18 the back door.

19 Q When you went back into the room?

20 A Yes.

21 Q Again, I know that I've already asked
22 this question -- how long do you think you were gone?

23 A I'd say five or ten minutes, maybe.
24 Not very long.

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1 Q I'm sorry. At what point did you come
2 back into the room -- what was the discussion concerning?

3 A They were talking about John being at
4 the back door.

5 Q The back door of what?

6 A Of the Reggett home.

7 Q If you recall, what did the questions
8 consist of at that point?

9 A It consisted of asking John if he could
10 remember when he first got scared.

11 Q What did he say?

12 A He said, "Up on the railroad tracks."

13 Q Did you ask him if he got scared any
14 time before that?

15 A Yes.

16 Q What was his answer to that?

17 A He said he got scared at the back door.

18 Q Did John Moss tell you that evening
19 what happened to make him scared?

20 A Yes.

21 Q What did he say?

22 A He said his blood started rushing.

23 Q Go on.

24 A It was then asked of John if he got

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1 scared before he went into the house or after.

2 He said, "Before."

3 Q This was when he said he got scared at
4 the back door?

5 A Yes.

6 Q Did you ask him how he got into the
7 house?

8 A Yes.

9 Q What was his answer to that?

10 A He said he just pushed open the door.

11 Q Which door was it?

12 A The back door.

13 Q Did you ask him whether he knew if
14 anyone was in the house?

15 A Yes.

16 Q What was his answer to that?

17 A He stated that he knew her and the two
18 kids were there.

19 Q Did you ask him if there was anyone
20 else there?

21 A Yes.

22 Q What did he say?

23 A He said, "No. There was no one else
24 there."

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1 Q No one else was in the house?

2 A No.

3 Q Did you ask him what happened then?

4 A He said he was at the house a little
5 while before the woman woke up and had a gun.

6 Q Did you ask him why he went into the
7 house?

8 A It was asked of him why he went into
9 the house, and he stated that he needed some money.

10 Q Did you at any time ask him how he felt
11 later the next morning?

12 A Yes, we did.

13 Q What did he say?

14 A He said it shouldn't have happened.

15 Q Did he elaborate on that?

16 A Yes. We asked him what he meant by
17 that and he said, "Because the kids were so young."

18 Q I believe you have already testified
19 that he indicated that he knew someone was in the house?

20 A Yes.

21 Q Did he say why he picked this
22 particular house?

23 A He said he just did.

24 Q Did he know what time it was when he

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1 went into the house?

2 A It was asked of him if he knew about
3 what time it was, and he said he didn't, but it must have
4 been late because it was almost daylight when he got
5 home.

6 Q Did you ask him what he did before he
7 went to the Reggett home that night?

8 A Yes.

9 Q What did he say?

10 A He stated that he was at home listening
11 to the radio. He told us that, that he was listening to
12 the radio.

13 We asked him if he could remember the occasion to
14 give the time of stuff on the radio, if he remembered any
15 times they gave out. He stated, "No."

16 Q Did he tell you how he got to the
17 Reggett home when this happened?

18 A Yes.

19 Q How?

20 A He said he walked down the railroad
21 tracks.

22 Q Where was he living at the time?

23 A He was living at his grandfather's
24 house.

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1 Q Is that in St. Albans too?

2 A Yes.

3 Q How far across from the Reggettz house
4 was it?

5 A I'd say a hundred, two hundred yards
6 east of the Reggettz home.

7 Q Straight down the railroad tracks?

8 A Yes.

9 Q Did he say whether there were any
10 lights on in the Reggettz home?

11 A Yes. We asked him about that. He
12 said there was a light on in the bathroom. He thought
13 maybe there might have been a light on in the living
14 room.

15 Q Did he tell you where Vanessa Reggettz
16 and the two children were?

17 A Yes.

18 Q Where was that?

19 A They were in the bed in the back bed
20 room.

21 Q I believe that you've already testified
22 that at some point John Moss said that he noticed that
23 the woman was awake?

24 A Yes.

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1 Q Where was she?

2 A She was standing in the bed room with
3 a gun.

4 Q What did John Moss say he did at that
5 point?

6 A He said he and the woman got into a
7 struggle over the gun, and the gun went off. He got it
8 away from her and hit her with it and knocked her down.

9 Q Go on.

10 A It was asked of him what happened after
11 that, and he stated that he ran out the back door, up
12 onto the railroad tracks.

13 And we asked him what happened after that. He
14 stated that he looked back down at the rear door of the
15 Reggett home and he saw her at the back door. She
16 looked like she was putting something up against the
17 door.

18 Q Her -- meaning Vanessa Reggett?

19 A Yes.

20 Q Go ahead.

21 A He then went back and pushed the door
22 open, and then went back into the house. He said that
23 she had a knife and she was swinging it at him. He said
24 she cut him on the left little finger.

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1 Q That's what John Moss said -- that she
2 cut him on the left little finger?

3 A Yes.

4 Q Did you ask him what the children were
5 doing at this time?

6 A Yes. He said the children were hitting
7 him on his legs.

8 Q What did he do to them?

9 A He pushed them back.

10 Q Go ahead.

11 A He said he got the knife away from
12 Vanessa and then tied her up to a door. And I asked him
13 which door he tied her up to, and he said the door in the
14 back bed room.

15 Q Was he able to get the knife away from
16 her?

17 A Yes.

18 Q And how did he say he tied her to the
19 door?

20 A With cords, around her neck.

21 Q Where did he tie her?

22 A He said he put the cord around her neck
23 and up through the door where the door knob should be.

24 Q Did you ask him what he did next?

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1 A He said -- we asked him how the knife
2 got broken?

3 He said he didn't know how the knife got broken,
4 the broken pieces that we found in the back bed room.

5 Q Go on.

6 A He then stated that he got the little
7 girl and shoved her with his hands, then got a cord and
8 wrapped the cord around the little girl's neck and draped
9 it over the door, between the front bed room and the TV
10 room.

11 Q Did he say that he got the little girl
12 or the little boy first?

13 A I'm sorry. He got the little boy
14 first.

15 Q What did he say he did to him?

16 A He wrapped the cord around his neck,
17 tied his hands behind his back, and put him in the bath
18 tub, face down.

19 We asked him if there was any water in the bath
20 tub and he said it was about half full.

21 Q Did he indicate that he did anything to
22 the little boy before he tied him up?

23 A He choked him.

24 Q Did he indicated that he did anything

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1 else to Vanessa Reggettz?

2 A Yes. We asked him -- he said he
3 stabbed her with a knife or something.

4 Q With a knife or something?

5 A Yes.

6 Q He didn't say scissors?

7 A No.

8 Q Did you ask him why he had stabbed
9 Vanessa Reggettz and why he tied the little boy up and
10 put him in the bath tub?

11 A Yes. He told us he wanted to make sure
12 they were dead.

13 Q Did he say why he wanted to kill them?

14 A He didn't say why. He said he just got
15 scared.

16 Q What did he say happened next -- after
17 the little boy?

18 A He then got the little girl and choked
19 her.

20 Q That's Bernadette Reggettz?

21 A Bernadette. He choked her and then
22 wrapped a cord from the sweeper around her neck and threw
23 the cord over top of the door, on the door between the
24 front bed room and the living room, and shut the door and

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1 hung her over the door.

2 It was asked of him which side of the door she
3 was hanging on and he said the side facing the Christmas
4 tree.

5 Q Did he tell you which door he tied
6 Vanessa Reggett to?

7 A Yes.

8 Q Which door was that?

9 A It was the door between the TV room and
10 the back bed room.

11 Q He told you that?

12 A Yes.

13 Q Did you ask John Moss whether he knew
14 who lived in the house?

15 A Yes.

16 Q What did he say to that?

17 A He said Paul and them.

18 Q Did he indicate that he and Paul were
19 friends?

20 A No.

21 Q What did he say about that?

22 A We asked if he knew Paul's last name,
23 and he said he didn't.

24 We asked him how he knew Paul, and he said that

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1 Paul once lived in his uncle's motel in St. Albans.

2 Q Did he indicate whether Paul had any
3 knowledge of this?

4 A We asked him if Paul had any knowledge
5 of the crime, and he stated no.

6 Q Paul had no knowledge prior to the
7 crime itself?

8 A Yes.

9 Q Did you ask him whether Paul had asked
10 him to break into his house?

11 A Yes, we did; and he stated no.

12 Q He stated that Paul had not asked him
13 to do anything?

14 A Yes, that's correct.

15 Q Did you ask him whether Paul was home
16 that night?

17 A Yes, we did.

18 Q What was his answer to that?

19 A He said no.

20 Q What did John Moss tell you on January
21 28th that he took from the house?

22 A He told us he took a rifle -- a .22
23 rifle.

24 Q What kind was that?

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1 A A bolt action.

2 Q Did he tell you what kind it was?

3 A I don't think he told us the kind of
4 gun; he told us it was a rifle with a scope on it.

5 Q Was that what he took?

6 A Yes.

7 Q What else did he tell you that he took?

8 A He took some games and a .22 pistol.

9 Q Did he tell you what color the pistol
10 was?

11 A I think it was silver. He told us it
12 was silver.

13 He also told us that he took a camera. We asked
14 him what kind, and he said it was a Kodak or a Polaroid.
15 He said it was the type that took its own pictures and
16 developed its own pictures.

17 He said he also took a Christmas present out of
18 the house. We asked him what he did with that, and he
19 said he gave it to his best friend's mother, who was
20 Arbutus Johnson.

21 Q His best friend's name was what?

22 A Bill Johnson.

23 Q So, his mother's name was Arbutus?

24 A Yes.

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1 Q John Moss told you that that night,
2 that he had taken a present from the Reggett home and
3 what he'd done with it? What did he tell you?

4 A We asked him what he did with it, and
5 he said he took it home and rewrapped it and gave it to
6 his best friend's mother for a Christmas present.

7 Q What did he tell you the Christmas gift
8 was?

9 A Dishes.

10 Q Did he tell you what he did with the
11 .22 pistol?

12 A Yes. We asked him what he did with it
13 and he said he took it to school. He went to St. Albans
14 High School. He said he put it in a brown paper bag and
15 threw it in a dumpster there.

16 We asked him why he threw it away, and he said it
17 got broke when he hit the woman with it.

18 Q What part of it was broken -- did he
19 say?

20 A The butt. He told us the butt was.

21 Q Did he take it to school or did he take
22 it before he went to school?

23 A Before he went to school.

24 Q Did you ask him about the rifle?

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1 A Yes.

2 Q What was the first thing he told you
3 about the rifle?

4 A At first, he said he couldn't remember
5 where it was at. And we asked him about it again, and
6 he said a friend of his had it. He said he could call
7 him and have him bring it to his mother and father's
8 house in Cleveland.

9 We then asked him again about it and he said it
10 was in his room in the closet, in his room in Cleveland.

11 Q Did he indicate how he had gotten that
12 rifle home from St. Albans where he was staying?

13 A Yes.

14 Q How was that?

15 A He said there was a screw on the stock
16 that you could unscrew it and the stock would come off
17 and the barrel would come off. He said he put it in a
18 suitcase.

19 Q What about the scope? Did he indicate
20 whether he had taken it off or not?

21 A We asked John about the scope, and he
22 said he took the scope off and didn't know where it was
23 at.

24 Q What did John Moss tell you that he did

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1 after he killed the Reggett family?

2 A After he hung the little girl, he said
3 he went through the Christmas packages and was tearing
4 open the Christmas packages to see what he could find.

5 Q Did you ask him why he did that?

6 A Yes.

7 Q What was his answer?

8 A He was just looking around, he said.

9 Q Did you ask him whether he remembered
10 wearing gloves?

11 A Yes.

12 Q What was his answer to that?

13 A He said he couldn't remember if he wore
14 gloves or not.

15 Q Did you ask him again what he had
16 stabbed Vanessa Reggett with?

17 A Yes. Later on in the conversation, it
18 was again asked if he could remember what he stabbed
19 Vanessa with. The second time, he said it was a knife
20 or a fork.

21 Q Did you ask him if he knew what kind of
22 car Paul Reggett was driving?

23 A Yes. We asked him that. He told us a
24 was a blue Honda.

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1 Q What did he indicate about that car
2 that night?

3 A We asked him if he saw that car, and he
4 said yes.

5 Q Where did he say it was?

6 A He said he saw it sitting out front of
7 Fortson's house.

8 Q Parked in front of Fortson's house?

9 A Yes.

10 Q At any time, did Trooper Smith leave
11 during this confession?

12 A Yes.

13 Q And whereabouts did he go?

14 A He just went outside. I don't know
15 where outside.

16 Q How long was he gone?

17 A Just a few minutes.

18 Q You've also indicated that John Moss
19 told you that he had taken a stolen camera. What did he
20 tell you that he did with that camera?

21 A He took it to his home in Cleveland.

22 Q Did he tell you where it was?

23 A Yes. He said it was on his dresser in
24 his room. On top of his dresser.

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- 1 Q In his bed room?
- 2 A Yes.
- 3 Q Did you ask him where in Cleveland his
- 4 home was?
- 5 A Yes.
- 6 Q Where was that?
- 7 A 7025 Zoeder Avenue, Cleveland, Ohio.
- 8 Q Whose home was his?
- 9 A His mother and father's.
- 10 Q You testified earlier that he had been
- 11 living with his grandfather?
- 12 A Yes.
- 13 Q In St. Albans?
- 14 A Yes.
- 15 Q Did you ask him what his parent's names
- 16 were?
- 17 A Yes.
- 18 Q What were they?
- 19 A John and Marcy Moss.
- 20 Q Did you have occasion to ask him again
- 21 about the dishes that he said he took from under the
- 22 tree?
- 23 A Yes. We asked him if he was sure it
- 24 was dishes, and he said he remembered it as dishes.

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1 Q What about the clothes he wore that
2 night? Did you ask him about that?

3 A We asked if he got any blood on his
4 clothes and he stated yes, that he did. But that when
5 he got home, he washed his own clothes, washed the blood
6 out of them.

7 Q Did he indicate whether anybody else's
8 blood was on his clothes?

9 A We asked him and he said no.

10 Q He said no to that?

11 A Right.

12 Q Again, Trooper Williams, during this
13 questioning of John Moss, was he ever threatened?

14 A No.

15 Q Was he ever struck or hit?

16 A No.

17 Q Was he promised anything?

18 A No.

19 Q And I believe you testified again that
20 he was having trouble remembering?

21 A Yes.

22 Q Throughout the confession, as it
23 progressed, was he able to answer your questions more
24 readily?

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1 A Yes.

2 MR. REVERCOMB: May I have a moment, your Honor?

3 THE COURT: Yes.

4 MR. REVERCOMB: Your Honor, the next part of
5 Trooper Williams' testimony will take about forty
6 minutes. Perhaps it might be a good time to break?

7 THE COURT: What are you going to put on next?

8 MR. REVERCOMB: The tape.

9 THE COURT: Is the tape forty minutes long?

10 MR. REVERCOMB: It's twenty-six or twenty-seven
11 minutes long. I need to get a tape recorder out, too.
12 I didn't realize that I would going to be needing it yet.
13 I need to ask him what was in the tape and about the tape
14 itself.

15 THE COURT: Ladies and gentlemen, we'll break
16 until 1:00 o'clock. You may be excused.

17

18 WHEREUPON, the Court stood in a recess in the
19 hearing of this case.

20

21 (Back on the Record)

22

23 MR. BICKLEY: Your Honor, I would to make a
24 motion. We object to the transcript being provided to

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1 the jury. It's just the same as the written confession
2 being read from the stand, and should not be provided to
3 the jurors. We don't see any difference between the two
4 means of communication.

5 The tape is one of the most audible ones that
6 I've seen, and I don't expect any problem in them
7 listening.

8 I might have the operator do the confession and
9 then provide for them to follow along, and I don't see
10 why the tape should be -- if they're having some audio
11 problems, then maybe -- but that tape is very audible,
12 and I don't think it's necessary to have a transcript.

13 THE COURT: Are you in possession of a copy of
14 the transcript?

15 MR. BICKLEY: That's part of discovery. I have
16 a copy of it.

17 THE COURT: Have you had a chance to compare it
18 with the tape?

19 MR. BICKLEY: Yes, sir.

20 THE COURT: Is it an accurate transcript?

21 MR. BICKLEY: It's an accurate transcript, except
22 -- ours is an accurate transcript. They probably have
23 deleted portions of the ---

24 THE COURT: About Mansfield?

Williams - Direct

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1 MR. BICKLEY: -- about Mansfield.

2 MR. REVERCOMB: That's right.

3 THE COURT: Which is the only thing I understand
4 that is missing at this -- from the edited tape?

5 MR. REVERCOMB: Right.

6 THE COURT: I'll let you hand them out.

7 Have you seen the cautionary instruction?

8 MR. BICKLEY: No, I haven't.

9 THE COURT: Why don't you all take a look at
10 this?

11 MR. BICKLEY: I would like to make a large
12 objection.

13 THE COURT: Take a look and see if there is
14 anything that you want to change.

15

16 WHEREUPON, Mr. Bickley reviewed the transcript.

17

18 THE COURT: Then, without waiving your objection
19 to the giving of the transcript, you have no objection
20 to this specific language of this?

21 MR. BICKLEY: I do not, your Honor.

22 THE COURT: Tom, you want to bring the jurors in,
23 please?

24

Williams - Direct

544

1 WHEREUPON, the jury was brought into the
2 Courtroom for the afternoon session.

3

4 THE COURT: Welcome back.

5 Mr. Revercomb, you want to pick up where you left
6 off?

7 MR. REVERCOMB: Thank you, Judge.

8

9 BY MR. REVERCOMB:

10 Q Trooper Williams, are you the same Mr.
11 Williams who testified here this morning?

12 A Yes.

13 Q I believe when we left off, you had
14 just talked about John Moss's oral confession at the
15 Parkersburg State Police Detachment, on October 28, 1980?

16 A Yes.

17 Q What did you decide to do after he
18 orally confessed?

19 A We decided to take a taped confession.

20 Q Did you have any difficulty finding a
21 tape?

22 A Yes.

23 Q What did you do?

24 A We asked Sergeant Presson if he had a

Williams - Direct

545

1 tape recorder and cassette tape that we could use. They
2 couldn't find any blank cassette tapes.

3 We discussed about going out and buying one, but
4 it was getting late, so they had one tape there that had
5 another conversation on it of an unrelated matter. So,
6 we just decided to use that tape. We fast-forwarded past
7 the other conversation and used that.

8 Q And were you ordered by the Court
9 previously to duplicate that tape?

10 A Yes.

11 Q The tape that you used actually that
12 night, the taped confession of John Moss, is that on one
13 or both sides?

14 A Both sides.

15 Q And the tape that you had made, the
16 duplicated one, is that on one or both sides?

17 A It's on one side.

18 Q And that was duplicated for technical
19 reasons?

20 A Yes.

21 Q Did you omit the -- did you use the --
22 when you used the tape from the Parkersburg Detachment,
23 it had another conversation that didn't have anything to
24 do with this case on it; didn't it?

Williams - Direct

546

1 A Right.

2 Q Did the duplicated tape omit that?

3 A Yes.

4 Q Prior to taking this taped confession,
5 was Mr. Moss, the defendant, advised of his rights?

6 A Yes.

7 Q Who did that?

8 A Sergeant Presson.

9 Q Now, Trooper Williams, I am going to
10 hand you what has been marked for identification purposes
11 as State's Exhibit 93.

12 I'd ask you to examine that and tell us what it
13 is?

14 A It's a DPS Form 79. It's a Rights
15 Form.

16 Q And what writing appears on it?

17 A There is Trooper Smith's writing,
18 Sergeant Presson's writing, my writing, and John Moss,
19 III's writing.

20 Q Who wrote the date and time?

21 A The date was written by Trooper Smith
22 and the time was written by Sergeant Presson.

23 Q What is the date?

24 A October 28, 1980.

Williams - Direct

547

1 Q What is the time at the top?

2 A 9:22 p.m., Eastern Standard Time.

3 Q Is there a line there for location or
4 place?

5 A Yes. It says Parkersburg State Police
6 Detachment.

7 Q And down at the bottom, what writing
8 appears at the bottom?

9 A It's John Moss, III's writing, Sergeant
10 Presson's writing, and my writing.

11 Q Were you present when Sergeant Presson
12 advised John of his rights?

13 A Yes.

14 Q Did John indicate that he understood
15 those rights?

16 A Yes.

17 Q Did he sign that form indicating that
18 he understood his rights?

19 A Yes.

20 Q Who witnessed his signature?

21 A Myself and Sergeant Presson.

22 Q What time was that signature put there?

23 A 9:28 p.m.

24 Q On this taped conversation -- or

Williams - Direct

548

1 confession, excuse me -- whose voices appear on the tape?

2 A Mine, Sergeant Presson's, and John
3 Moss's.

4 Q And what portion does Sergeant
5 Presson's comment concern -- where is his voice on the
6 tape?

7 A The first voice on the tape.

8 Q Prior to taking this confession, was
9 John Moss threatened?

10 A No.

11 Q Was he promised anything?

12 A No.

13 Q Was he struck or abused in any way by
14 you, Trooper Smith, or anyone else?

15 A No.

16 Q He indicated that he was willing to
17 give you the tape-recorded confession?

18 A Yes.

19 Q At any time, did he ask for a lawyer?

20 A No.

21 Q At any time during the taping or before
22 the taping, did he ask any questions?

23 A No.

24 MR. REVERCOMB: Your Honor, at this time, I want

Williams - Direct

549

1 to hand out a copy of the transcript.

2 THE COURT: Let me just give you a brief
3 instruction about the transcript which you are about to
4 receive.

5 The tape, itself, which you will hear, is the
6 primary evidence of what was or was not recorded. This
7 transcript which Mr. Revercomb has will be given to you
8 only for your convenience in being able to follow the
9 conversations and identify the voices which are claimed
10 to have been the persons speaking.

11 You must make up your mind what is said on the
12 tape, or if the tape is unintelligible. You must listen
13 to the tapes themselves, and you cannot rely on the
14 transcript itself or the written transcript as evidence.
15 But the transcript will assist you in following whoever's
16 talking, because otherwise all you will hear are voices.
17 You will not have any idea who is supposed to have been
18 the persons speaking. And it is solely for that limited
19 purpose or purposes that I have let you have the
20 transcript.

21 In short, this tape is presenting the real
22 evidence in this case, as the recorded statement that you
23 will hear. Okay.

24 MR. REVERCOMB: Thank you.

Williams - Direct

550

1 WHEREUPON, copies of the transcribed were given
2 to the jurors.

3

4 BY MR. REVERCOMB:

5 Q Trooper Williams, if you remember, what
6 type of tape recorder did you use?

7 A It was just a small recorder.

8 Q Did you know how to operate it?

9 A Yes.

10 Q Do you know what brand it was?

11 A I don't recall.

12 Q How did you operate it?

13 A I just inserted the tape down and
14 pushed a button that says record.

15 Q At this time, I'm going to start the
16 tape and I want you to identify some voices, and I may
17 skip ahead so that we can get all of the voices
18 identified, then I'll stop and start over, and run the
19 complete tape.

20 (At beginning of tape)

21 Q Whose voice was this?

22 A Sergeant Presson's.

23 Q Who was he?

24 A He was the Sergeant at the Parkersburg

Williams - Direct

551

1 Detachment at that time.

2 (Further on with tape recording)

3 Q Whose voice was that, Trooper Williams?

4 A John Moss.

5 Q I'm going to skip ahead.

6 (Further along with tape recording)

7 Q Whose voice was that, Trooper Williams?

8 A That's mine.

9 Q Now, I'll go back to the original, to
10 the beginning.

11

12 WHEREUPON, the tape was played as follows:

13

14 "OCTOBER 28, 1980. At this time, uh, I'm speaking to
15 John Moss at the Parkersburg Detachment Office. John,
16 I want to ask you a few questions, but first I want to
17 advise you of your rights.

18 Q Have your rights been, have you been advised
19 of your rights prior to your questioning by the State
20 Police Officers?

21 A Yes.

22 Q Alright and where did this occur at?

23 A In Parkersburg.

24 Q Alright and in whose presence?

Williams - Direct

552

1 A Yours, Presson.

2 Q Alright, Sergeant Presson and Trooper
3 Terry who?

4 A Williams.

5 Q Alright.

6 A And Smith.

7 Q Alright. Now on the afternoon of
8 October 28th, were you, uh, picked up by these officers
9 at the Mansfield in Ohio?

10 A Yes.

11 Q And after you were picked up there,
12 were you relayed back into West Virginia?

13 A Yes.

14 Q Did you make any stops on the way back
15 out of Ohio into West Virginia?

16 A Yes.

17 Q For what reason?

18 A To use the bathroom, gas.

19 Q Okay, and you was later brought into
20 the Parkersburg Detachment Office?

21 A Yes.

22 Q And who was in your presence at that
23 time?

24 A Officer Terry Williams and Officer Mike

Williams - Direct

553

1 Smith.

2 Q And while at the Parkersburg Office,
3 were you served your dinner at the detachment office?

4 A Yes.

5 Q And what did you have for dinner, John?

6 A Ham and sub sandwich.

7 Q A ham sandwich?

8 A Yeah.

9 Q Coca-cola?

10 A Yeah.

11 Q Okay. And did these officers at that
12 time have a sandwich with you?

13 A Yes.

14 Q And while you have been in the custody
15 of the two officers, have you been threatened or made any
16 promises or mistreated in any manner?

17 A No.

18 Q Alright, and while at the Parkersburg
19 Detachment Office, at approximately 9:00 o'clock, did you
20 talk to myself in regards to an incident in, uh, Kanawha
21 County?

22 A Yes.

23 Q And this was, uh, in the presence of
24 Trooper Terry Williams?

Williams - Direct

554

1 A Yes.

2 Q And prior to, uh, discussing the, uh,
3 incident in, uh, Kanawha County, were you advised of your
4 Constitutional Rights by myself and Trooper Williams?

5 A Yes.

6 Q And this took place in the Parkersburg
7 Detachment Office?

8 A Yes.

9 Q Were these rights, uh, were you given
10 a chance to read this rights before you signed it?

11 A Yes.

12 Q And along with, uh, myself and
13 initialed later on after you signed the, uh, Waiver of
14 Rights?

15 A Yes.

16 Q Alright and after you signed the Waiver
17 of Rights, were you then, uh, questioned in regards to
18 an incident in Kanawha County?

19 A Yes.

20 Q And who was present at that time?

21 A Terry Williams and Mike Smith and Mr.

22 Q And myself?

23 A Yes.

24 Q Sergeant Presson?

Williams - Direct

555

1 A Yes.

2 Q At the Parkersburg Detachment?

3 A Yes.

4 Q Alright and at this time, which was
5 approximately at 9:30, did you relate to, uh, Trooper
6 Williams the incident that occurred in, uh, Kanawha
7 County in December of 1979?

8 A Yes.

9 Q Did you go into some details as to what
10 happened there at the house?

11 A Yes.

12 Q Okay. Terry, you go ahead and, uh, ask
13 John what you need to ask him there in regards to this,
14 uh, triple murder in Kanawha County.

15 Q Okay, John, uh, what exactly did you do
16 first off that night?

17 A I was at home listening to the radio.

18 Q Then what did you do?

19 A Went off down the tracks, down the
20 railroad tracks and went in Paul's house.

21 Q Do you know what Paul's last name is?

22 A No.

23 Q Is it Reggett?

24 A I can't remember.

Williams - Direct

556

1 Q Okay. How did you get in the house?

2 A I pushed open the door.

3 Q What door, the front door or the back
4 door?

5 A Back door.

6 Q Then what happened?

7 A I went in looking around and the lady,
8 the lady woke up.

9 Q What did you go in there for?

10 A Some money.

11 Q Okay. Then what happened after, after,
12 the lady woke up?

13 A She had a gun, we struggled with it,
14 the gun went off and I took it from her and hit her with
15 it.

16 Q What room of the house was you in when,
17 when you were struggling for the gun?

18 A In the bedroom.

19 Q Which bedroom, the front bedroom or the
20 bedroom next to the bathroom?

21 A Bedroom next to the bathroom.

22 Q Okay. Were the children in bed with
23 her?

24 A Yes.

Williams - Direct

557

1 Q Okay. When you were struggling for the
2 gun, you said the gun went off?

3 A Yes.

4 Q And you took the gun away from her?

5 A Yes.

6 Q And you hit her with the gun?

7 A Yes.

8 Q How many times did you hit her?

9 A About two times.

10 Q Were you still in that second bedroom
11 or were you in the front bedroom?

12 A In the second bedroom.

13 Q Did you ever go in the front bedroom?

14 A Yes.

15 Q Did you struggle in there with her?

16 A No.

17 Q Did you ever knock her down in that
18 bedroom?

19 A Front bedroom?

20 Q Yes.

21 A No.

22 Q Okay. After you hit her and knocked
23 her down, then what'd you do?

24 A I just ran out of the house.

Williams - Direct

558

1 Q Which door did you go out?

2 A Back door.

3 Q Okay. After you ran out the back door,
4 what did you do?

5 A I looked back and I seen her trying to
6 put something against the door.

7 Q Is that the door, the back door, is
8 that the door at the kitchen?

9 A Yes.

10 Q Okay. Were the lights on in the
11 kitchen?

12 A Yes.

13 Q And you could see her putting something
14 up against the back door?

15 A Yes.

16 Q Do you know what that was?

17 A Uh, A chair I think.

18 Q And then what'd you do then?

19 A I ran back and knocked the door back
20 open and she grabbed a knife off the sink.

21 Q Do you know what kind of knife it was?

22 A Uh, kitchen knife, a steak knife or
23 something.

24 Q What did she do with that knife?

Williams - Direct

559

1 A She was swinging it at me and she hit
2 my hand and cut me, my finger. Took it from her and I
3 pushed her in a, back in a bedroom and knocked her down
4 and threw the knife down.

5 Q Do you know what happened after that?
6 What did you do after that, after you knocked her down,
7 was she still trying to get up or anymore after that?

8 A Yes.

9 Q What happened?

10 A I was hitting her and I tried to choke
11 her.

12 Q What did you choke her with?

13 A First I had my hands, then I had a
14 cord.

15 Q Then what were the children doing at
16 this time?

17 A Beating on me in the back.

18 Q Were they hollering or screaming or
19 anything?

20 A Yes.

21 Q What were they, what were they saying?

22 A Leave their mommy alone and I knocked
23 them down.

24 Q Did you knock both of them down?

Williams - Direct

560

1 A Yes.

2 Q What did you do then?

3 A I tied her up.

4 Q You talking, you tied the woman up?

5 A Yes.

6 Q How did you tie her up?

7 A Back to the door.

8 Q Could you explain that to me, to what
9 door?

10 A It was a door in the bedroom, one of
11 the doors in the bedroom.

12 Q How did you tie her up?

13 A Around the neck.

14 Q Then what did you do, was it with the,
15 with the cord you say?

16 A Yes.

17 Q What did you do with the cords after
18 you tied them around her neck?

19 A I took the boy.

20 Q What'd you do with the boy?

21 A Took him in the bathtub and put him in
22 the tub.

23 Q Did you do anything to him before you
24 put him in the tub?

Williams - Direct

561

1 A Tried to strangle him.

2 Q How did you strangle him?

3 A My hands. Maybe I had a cord around
4 his neck.

5 Q Do you remember where you got that cord
6 from?

7 A No, I just snatched it off the floor,
8 off the wall.

9 Q Okay. You say you strangled the boy
10 with the cord?

11 A Yes.

12 Q Did you do anything else to him before
13 you put him in the bathtub?

14 A I don't think so.

15 Q How did you, how did you tie him up,
16 did you tie his hands together or what?

17 A Yeah.

18 Q How did you, how did you do that?

19 A I just tied him up.

20 Q And then what did you do after you tied
21 him up?

22 A Laid him in the tub.

23 Q How did you put him in the tub?

24 A I don't know, I just put him in the

Williams - Direct

562

1 tub.

2 Q You're, you're talking about the
3 bathtub in the bathroom?

4 A Yeah.

5 Q Was there any water in the bathtub?

6 A Yeah.

7 Q How much water was in it?

8 A Probably half full.

9 Q How did you place him in the bathtub?

10 A I don't know.

11 Q Did you, did you place him in face down
12 or face up?

13 A I don't know, I just put him in there.

14 Q What did you do after that?

15 A I went and got the little girl.

16 Q Okay and what'd you do with her?

17 A Started choking her.

18 Q Where was you at when you started
19 choking her?

20 A In there in the living room, I took her
21 out of the room where her mama was.

22 Q What did you choke her with?

23 A A cord.

24 Q Do you know where that cord come from?

Williams - Direct

563

1 A It was just on the floor somewhere.

2 Q Okay. What did you do after you choked
3 her?

4 A Put her on the door.

5 Q How did you put her on the door? Could
6 you explain that?

7 A She was just hanging there on the door.

8 Q How did you hang her across the, over
9 the door?

10 A I put the cord on the door and closed
11 the door.

12 Q Okay. Which door are you speaking of?

13 A On the doors in the front, in front of
14 the, next to the Christmas tree.

15 Q Is that the door between the living
16 room and the bedroom?

17 A Yeah.

18 Q Okay, which way was she facing on the
19 door?

20 A The Christmas tree.

21 Q Towards the Christmas tree?

22 A Yeah.

23 Q Okay. Okay, going back to the woman,
24 after you tied her up, put the cords around her neck, was

Williams - Direct

564

1 she laying down or what?

2 A Yeah, she was laying down.

3 Q Did you, did you do anything else to
4 her?

5 A I, I stabbed her with a knife or
6 something.

7 Q Do you remember what you stabbed her
8 with?

9 A No, it was, I don't know, I stabbed
10 her.

11 Q Where did you stab her at?

12 A In the, in the chest, top of her waist
13 somewhere.

14 Q Okay. What did you do after you done
15 that?

16 A I walked back in looking around to see
17 if I could find any money.

18 Q Did you find any money?

19 A Yeah.

20 Q Do you know how much money you found,
21 approximately?

22 A No, a few dollars.

23 Q Okay. What did you do after you found
24 the money?

Williams - Direct

565

1 A I was under the Christmas tree.

2 Q What did you do under the Christmas
3 tree?

4 A I was opening up presents.

5 Q How many presents did you open up?

6 A I don't know.

7 Q Did you take any of those presents?

8 A Yeah.

9 Q How many did you take?

10 A One.

11 Q Do you remember what it was?

12 A Some dishes.

13 Q Okay. Did you take anything else out
14 of the house?

15 A A gun.

16 Q What kind of gun was it?

17 A It was a rifle.

18 Q What kind?

19 A A .22.

20 Q Did it have a scope on it?

21 A Yeah.

22 Q Do you remember, uh, what kind of rifle
23 it was, was it a automatic, uh, bolt action, uh, semi-
24 automatic?

Williams - Direct

566

1 A Bolt action.
2 Q Okay. Did you take anything else?
3 A I took the gun back out.
4 Q What kind, what kind of gun are you
5 speaking of?
6 A The little gun that she had.
7 Q A pistol?
8 A Yes.
9 Q What kind was it?
10 A I think it was a .22.
11 Q Uh, what color was it?
12 A Uh, silver.
13 Q Okay. What did you do with the pistol?
14 A I put it in the, put it in the bag and
15 took it to school and dumped it in, in a big green
16 garbage can.
17 Q At the school?
18 A Yeah.
19 Q Which school are you speaking of?
20 A High school.
21 Q Saint Albans High School?
22 A Yeah.
23 Q Okay. What did you do with the, uh,
24 rifle?

Williams - Direct

567

- 1 A Took it home.
- 2 Q What home are you speaking of?
- 3 A Cleveland.
- 4 Q Is that your parent's home?
- 5 A Yeah.
- 6 Q What's that address?
- 7 A Seventy twenty-five Zoeder.
- 8 Q Could you speak up a little bit, I
- 9 couldn't hear you. This is a continuation of a statement
- 10 being given by John Moss being taken by Trooper Terry
- 11 Williams, at the Parkersburg Detachment, the West
- 12 Virginia State Police. Okay, John, speaking about the,
- 13 uh, items you took out of the house down at Saint Albans,
- 14 specifically talking about the, uh, Christmas present you
- 15 took, what did you do with that Christmas present?
- 16 A Give it to, uh, a friend's mother.
- 17 Q What's that friend's mother's name, do
- 18 you know?
- 19 A Ms. Johnson.
- 20 Q What's your friend's name?
- 21 A Bill.
- 22 Q Do you know whether they live?
- 23 A Yes.
- 24 Q Where do they live at?

Williams - Direct

568

- 1 A Town and Country Motel.
- 2 Q Where is that?
- 3 A Route 60.
- 4 Q Is that in Saint Albans?
- 5 A Yeah.
- 6 Q Okay, John, going back to when you
- 7 first went down to the house, you walked down the rail,
- 8 railroad tracks ---
- 9 A Yeah.
- 10 Q -- and went in the back door ---
- 11 A Yeah.
- 12 Q -- was Paul home when you went in the
- 13 house?
- 14 A No.
- 15 Q Did you see him anywhere in the house?
- 16 A NO.
- 17 Q Did you see anything outside?
- 18 A No.
- 19 Q Did you see Paul's car?
- 20 A Yeah.
- 21 Q Now where was it at?
- 22 A I think it was parked down in front of
- 23 Mr. Fortson's house.
- 24 Q Where does Mr. Fortson live at?

Williams - Direct

569

- 1 A Next door to Paul.
- 2 Q Okay. What kind of car does Paul have?
- 3 A A Honda.
- 4 Q What color is it?
- 5 A Blue.
- 6 Q But you didn't see Paul anywhere in the
- 7 house?
- 8 A No.
- 9 Q Okay, uh, okay, you stated before that
- 10 you took a rifle, a .22 rifle, a .22 pistol and a
- 11 Christmas present from under the Christmas tree?
- 12 A Yeah.
- 13 Q Did you take anything else out of the
- 14 house?
- 15 A No. A camera.
- 16 Q And what kind of camera was it, do you
- 17 know?
- 18 A I think it was a Kodak.
- 19 Q Did, was it the kind of camera that
- 20 developed its own pictures?
- 21 A Yeah.
- 22 Q Where's that camera at now?
- 23 A My house in Cleveland.
- 24 Q You are speaking of your parent's

Williams - Direct

570

1 house?

2 A Yeah.

3 Q The address you gave me before?

4 A Yeah.

5 Q Okay, do you remember something laying
6 in the floor in the kitchen?

7 A No.

8 Q Or something up on the doorway, hanging
9 up on the doorway into the kitchen?

10 A Yeah, a sheet, a sheet or a curtain or
11 something.

12 Q What color was it?

13 A White.

14 Q Do you remember what happened to it?

15 A No.

16 Q Was it tore down?

17 A I don't know. I just noticed it on the
18 floor.

19 Q Where at, what floor was it, where at,
20 what room?

21 A Kitchen.

22 Q In the kitchen?

23 A (No answer was given by John Moss)

24 Q Okay. Okay, after you searched through

Williams - Direct

571

1 the house, you say you were looking for money?

2 A Yeah.

3 Q And you took those four items that were
4 previously described?

5 A Yes.

6 Q Okay. And then what did you do?

7 A I ran out the house.

8 Q How did you leave the house?

9 A Just ran out the door.

10 Q The back door?

11 A Yes.

12 Q Then where did you go?

13 A Home.

14 Q What home are you speaking of?

15 A To my grandfather's house.

16 Q Where does he live in relation to this
17 house, Paul's house?

18 A Huh?

19 Q Where does he live?

20 A In West Virginia, Saint Albans.

21 Q How close does he live to this house
22 that you ran out of?

23 A Right down the railroad tracks.

24 Q How far is that, approximately?

Williams - Direct

572

1 A Maybe 200, maybe 100 yards.

2 Q Okay, then, what did you do after you
3 went in, in, back home?

4 A I went to bed.

5 Q Okay, where did, did you, did you take
6 the rifle apart?

7 A Yeah.

8 Q How did you take it apart?

9 A I unscrewed the, the barrel from the
10 handle.

11 Q Okay, what'd you do the next day?

12 A Went to school.

13 Q Did you take anything with you?

14 A Yes.

15 Q What did you take to school with you?

16 A The .22.

17 Q Pistol?

18 A Yeah.

19 Q Okay, did, uh, what did you do with
20 that pistol?

21 A I threw it in the garbage at the high
22 school.

23 Q Why did you throw the pistol away?

24 A It wasn't no good and broke up.

Williams - Direct

573

1 Q How did it get broke?

2 A I hit the lady with it.

3 Q Then you're saying it broke when you
4 hit the lady with it?

5 A Yeah.

6 Q And how many times did you hit the
7 lady?

8 A About two times.

9 Q Where did you hit her at?

10 A In the head.

11 Q Okay. What did you do with the rifle
12 and the camera?

13 A Took it back home.

14 Q To Cleveland?

15 A Yeah.

16 Q And that rifle and, uh, camera is at
17 your mother's house, mother and father's house in
18 Cleveland?

19 A Yeah.

20 Q Okay. Okay, John, has everything that
21 you told me tonight been the truth to the best of your
22 knowledge?

23 A Yeah. Yes.

24 STATEMENT CONCLUDED."

Williams - Direct

574

1 BY MR. REVERCOMB:

2

3 Q Trooper Williams, I'm going to have you
4 what's been marked State's Exhibit 120-B and ask you to
5 examine that and tell us what it is?

6 A It's a copy of the original taped
7 confession we took of John Moss.

8 Q Is that the tape which we just heard?

9 A Yes. This is after the tape.

10 Q After the confession was taken that
11 night, what did you do with the tape?

12 A I kept it.

13 Q Where did you keep it?

14 A In my possession.

15 Q Was that tape in your care, custody and
16 control before it was duplicated?

17 A Yes.

18 Q Has the duplicate been in your care,
19 custody and control until you brought it to Court?

20 A Yes.

21 Q Trooper Williams, who was present as
22 you took John Moss's confession on that tape?

23 A Just myself and John Moss.

24 Q No one was in the room after Sergeant

Williams - Direct

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1 Presson left?

2 A No.

3 Q Where was Trooper Smith, if you know?

4 A He was outside in the office, somewhere
5 else in the building.

6 Q I noticed from the tape -- strike that.
7 Did you stop this tape at any time?

8 A Yes.

9 Q Approximately how many times did you
10 stop the tape?

11 A Four times.

12 Q The first time you stopped it, why did
13 you stop it?

14 A It ran out on the first side of the
15 tape.

16 Q And you couldn't use it where the tape
17 was stopped?

18 A Yes.

19 Q How can you tell that?

20 A By a clicking sound.

21 Q You say the first time you stopped, you
22 had reached the end of the first side?

23 A Yes.

24 Q What did you do at that time?

Williams - Direct

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1 A I went outside in the hallway to talk
2 with Trooper Smith.

3 Q Where was John Moss?

4 A He was still in the office.

5 Q Was anyone else there with him?

6 A No.

7 Q During the time the tape was off, was
8 there any conversation between you and John Moss?

9 A No.

10 Q He wasn't asked any more questions?

11 A No.

12 Q The next time you stopped the tape,
13 what was the purpose of that?

14 A I went back out in the hallway and
15 asked Trooper Smith if he could think of any questions
16 he wanted me to ask John.

17 Q During that break, was there any
18 discussion or conversation with John Moss?

19 A No.

20 Q You then went back into the room?

21 A Yes.

22 Q What did you do at that time?

23 A I then continued the questioning of
24 John.

Williams - Direct

577

1 Q Did you ever question John Moss while
2 that tape was not recording?

3 A No.

4 Q I think you stated that you stopped it
5 four times. How about the third time you stopped it?

6 A I again went outside in the hallway to
7 confer with Trooper Smith about any other questions he
8 wanted me to ask.

9 Q During this break, where was John Moss?

10 A He was still in that office.

11 Q Was he alone?

12 A Yes.

13 Q Was any conversation had with him
14 during that break in the tape?

15 A No.

16 Q What did you do after you conferred
17 with Trooper Smith at this time?

18 A I then went back in. I asked John more
19 questions, on tape.

20 Q And the final time you stopped it,
21 before the actual end of the tape, for what purpose was
22 that?

23 A I went outside and conferred with
24 Trooper Smith and told him that I was -- had just about

Williams - Direct

578

1 completed my questioning of him, and asked if he knew of
2 any other questions he wanted me to ask.

3 Q And during this break in the tape, was
4 there any conversation had with John Moss?

5 A No.

6 Q He was alone in the room?

7 A Yes.

8 Q After conferring a final time with
9 Trooper Smith, what did you do?

10 A I went back into the office and I
11 turned the tape on, and again, I asked John if everything
12 he had told me was the truth, to the best of his
13 knowledge.

14 Q I think you've testified that the
15 Rights Form and the questioning started at about 9:28;
16 how long did it take you to take this statement?

17 A I'd say, approximately forty-five
18 minutes to an hour.

19 Q You testified that you finished at
20 about 10:30.

21 A Somewhere in that area, yes.

22 Q During this taped confession of John
23 Moss, did you tell him what to say?

24 A No, sir.

Williams - Direct

579

1 Q Did you provide him with the answers to
2 your questions?

3 A No, sir.

4 Q Did anyone else?

5 A No, sir.

6 Q Again, were any threats or promises
7 made to coerce him?

8 A No.

9 Q There was no violence toward him?

10 A No.

11 Q What did you and Trooper Smith decide
12 to do after you finished the taped confession?

13 A We decided to drive back to Cleveland,
14 Ohio.

15 Q From Parkersburg?

16 A Yes.

17 Q Why was that?

18 A In hopes of recovering the items that
19 John told us he took out of the Reggett home the night
20 of the murders.

21 Q And what, specifically, were those
22 items?

23 A A .22 rifle and a camera.

24 Q Trooper Williams, in the course of your

Williams - Direct

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1 investigation, had you learned that a .22 rifle had been
2 taken from the Reggett home?

3 A Yes.

4 Q How did you learn that?

5 A We went to the Heck's store in St.
6 Albans and obtained a form where Paul Reggett had
7 purchased a .22 rifle and a .22 pistol.

8 Q In the year before this time?

9 A Yes.

10 Q When did you learn that a camera had
11 been stolen from the Reggett home?

12 A When John told us he had stolen it.

13 Q You had no idea of that before?

14 A No.

15 Q You testified that you and Trooper
16 Smith decided to go back to Cleveland -- or to go to
17 Cleveland. Where was John Moss at that time?

18 A We called the Prosecutor's Office. One
19 of the Prosecuting Attorney's who was an assistant at
20 that time -- he was assisting in the investigation -- we
21 asked if it would be proper or all right for us to have
22 John relayed on to Charleston, and he stated that it
23 would be.

24 Q And you told him of your purpose, to go

Williams -- Direct

581

1 back to Cleveland?

2 A Yes.

3 Q Who was that?

4 A Chuck Pettry.

5 Q I call your attention now to the next
6 day, October 29th. Did you in fact go to Cleveland?

7 A Yes.

8 Q When did you leave Parkersburg for
9 Cleveland?

10 A I'd say between 11:00 and 12:00 that
11 night, on the 28th.

12 Q When you left Parkersburg, where was
13 John Moss?

14 A He was still at the Parkersburg
15 Detachment.

16 Q And who was watching him at that time?

17 A Sergeant Presson.

18 Q Go ahead and tell us what you did on
19 the 29th.

20 A We went to the Cleveland Police
21 Department. They assigned a Detective to go with us and
22 show us around.

23 Q Was that the following morning?

24 A Yes, on the 29th.

Williams - Direct

582

1 Q Did you get any sleep that night?

2 A About an hour.

3 Q Where was that?

4 A At the Holiday Inn.

5 Q Where was that?

6 A In Cleveland, Ohio.

7 Q You testified that you went to the
8 Cleveland Police Department and got some assistance?

9 A Yes.

10 Q Go ahead and tell the Court and the
11 jury what you did then?

12 A We were unfamiliar with the Cleveland
13 area. We wanted him to take us to John's mother and
14 father's residence at 7025 Zoeder Avenue, Cleveland.

15 We drove by there and got a description of the
16 house, then went before a Judge out in Cuyahoga County,
17 Ohio, and obtained a search warrant for that residence.

18 Q What was the purpose in getting a
19 description of the house?

20 A So we could obtain a search warrant.

21 Q And did you obtain a search warrant?

22 A Yes.

23 Q What did you do after you obtained a
24 search warrant?

Williams - Direct

583

1 A We went to 7025 Zoeder Avenue and
2 executed the search warrant.

3 Q That had been represented by John Moss
4 as the home of his parents?

5 A Yes.

6 Q Would you tell us about the execution
7 of this warrant?

8 A We went up and knocked on the door and
9 there was no one at the residence. We were attempting
10 to go in the house when his mother, Mrs. Moss, came home.
11 And we executed the search warrant, specifically looking
12 for a .22 rifle, a Glenfield scope for which he had the
13 serial number, and we also was looking for a camera.

14 Q Were you able to find the rifle in that
15 house?

16 A No.

17 Q Did you gain some information as to
18 what happened to the rifle?

19 A Yes.

20 Q Where you able at that time to locate
21 the camera you were looking for?

22 A No.

23 Q At that time, did you obtain some
24 cameras?

Williams - Direct

584

1 A Yes.

2 Q How many?

3 A Three.

4 Q Where were they obtained from?

5 A Inside the residence there.

6 Q On the first floor or upstairs?

7 A I don't really recall. I think they
8 were on the first floor, but I'm not really sure.

9 Q Do you know if they were in John Moss's
10 bed room, the bed room that he represented as his, or
11 someone else's?

12 A I don't remember.

13 Q They weren't in the bed room, you said
14 -- his bed room?

15 A No.

16 Q While you were at the Moss home that
17 afternoon, did you learn the whereabouts of what you were
18 actually looking for?

19 A Yes.

20 Q Did you -- or were you actually able to
21 obtain the camera?

22 A Yes.

23 Q Who did you get it from?

24 A John Moss.

Williams - Direct

585

1 Q John Moss? What relation is he to the
2 John Moss that is here?

3 A He is the father.

4 Q And where had Moss told you, in the
5 statement, that the camera would be?

6 A On top of his dresser in the bed room.

7 Q And I guess in the meantime, you found
8 out after you got there that Mr. Moss had that camera?

9 A Yes.

10 Q Trooper Williams, I'm going to hand you
11 what's been marked for identification purposes as State's
12 Exhibit 117 and 118 and 119, and I'll ask you to examine
13 those for us.

14 Can you tell us where you obtained these
15 exhibits?

16 A From the home of John and Marcy Moss in
17 Cleveland, Ohio.

18 Q And I believe you made two trips to the
19 home that day on October 29, 1980. During which trip did
20 you obtain these?

21 A The first trip.

22 Q Were any of these three cameras the one
23 you were looking for?

24 A No.

Williams - Direct

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1 Q I now hand you what's been marked for
2 identification purposes as State's Exhibit 102 and ask
3 you to examine that exhibit, and tell us what that is?

4 A It's the camera we recovered on the
5 second trip to the Moss home.

6 Q You recovered that from his father?

7 A Yes.

8 Q Was this the camera you were looking
9 for?

10 A Yes.

11 Q Trooper Williams, if you would, I'd
12 like for you to examine State's Exhibit 102 and State's
13 Exhibit 119, please.

14 Are those the same type of cameras?

15 A Yes, they are.

16 Q Is there any difference in those
17 cameras you holding there today?

18 A Yes.

19 Q What are they?

20 A My initials are on one of them.

21 Q Which one is that?

22 A 102.

23 Q I ask you to take a look at Exhibit 119
24 and ask you if there is anything else on that camera that

Williams - Direct

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1 distinguishes it from this one?

2 A Yes.

3 Q What is it?

4 A It has the name Beatrice L. Moss in
5 letter stickers on the top.

6 MR. REVERCOMB: Your Honor, may I have a moment?

7 THE COURT: Yes.

8

9 BY MR. REVERCOMB:

10

11 Q Trooper Williams, the man the blood
12 samples were taken from on October 22, 1980; do you see
13 him here in the Courtroom?

14 A Yes.

15 Q Would you please point him out and tell
16 the jury where he is here?

17 A He is sitting there by Mr. Bickley.

18 Q By what name do you know him?

19 A John Moss.

20 Q The man that you picked up in Mansfield
21 on the afternoon of October 28, 1980, is he here in the
22 Courtroom?

23 A Yes.

24 Q Would you please point him out?

Williams - Direct

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1 A He is sitting right beside Mr. Bickley.

2 Q By what name do you know him?

3 A John Moss.

4 Q The man who accompanied you to
5 Parkersburg and there gave you an oral confession between
6 6:58 and 9:00 p.m. that evening -- do you see him in the
7 Courtroom?

8 A Yes.

9 Q Please point to him and indicate him?

10 A He is sitting beside Mr. Bickley, and
11 he has a burgundy coat and tie on.

12 Q By what name do you know him?

13 A John Moss.

14 Q The person that gave you the taped
15 confession, the voice that we just heard on the taped
16 confession, do you see him in the Courtroom?

17 A Yes.

18 Q Please point him out?

19 A He is sitting beside Mr. Bickley in the
20 burgundy coat.

21 Q By what name do you know him?

22 A John Moss.

23 MR. REVERCOMB: I believe that's all I have, your
24 Honor.

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1 MR. BICKLEY: Your Honor, before we go, can we
2 take a short break?

3 THE COURT: Yes. We'll take about ten minutes,
4 folks.

5

6 WHEREUPON, the Court stood in a recess in the
7 hearing of this case.

8

9 (Back on the Record)

10

11 MR. REVERCOMB: Your Honor, we'd like to make a
12 motion at this point for defense counsel not to elicit
13 any evidence about Paul Reggett on December 14, 1879.
14 We have not elicited any evidence in that regard.

15 MR. BICKLEY: Your Honor, he did go in the house
16 on December 13. Reggett is the one who told him about
17 the scene of the crime. I think I should be able to
18 follow up and for continuation.

19 THE COURT: I'll let you do it in cross.

20 MR. BICKLEY: But it won't be as good.

21 THE COURT: If he seems to be reluctant, I'll
22 give you some latitude.

23 MR. BICKLEY: Okay. Just don't be reluctant.
24 But I can go into it?

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1 THE COURT: Yes. Call him as your own witness,
2 if you want -- if you want to call him later.

3 MR. BICKLEY: Let me talk to my team.

4 We're ready, your Honor.

5 THE COURT: Tom, you want to get the jury,
6 please?

7

8 WHEREUPON, the jury returned to the Courtroom
9 after break.

10

11 THE COURT: Go right ahead, Mr. Bickley.

12

13

14 CROSS-EXAMINATION

15

16 BY MR. BICKLEY:

17

18 Q Trooper Williams, I'm handing you a box
19 which is State's Exhibit 100. Would you identify that
20 please?

21 A Yes; that's flatware.

22 Q Is that the same flatware you received
23 from Mrs. Johnson?

24 A Yes.

Williams - Cross

591

1 Q Is that the same flatware that you
2 received from Trooper Shumate?

3 A Shumate -- yes.

4 Q And you received that flatware on
5 2/6/80 from Trooper Shumate?

6 A No, sir.

7 Q Let me hand you what -- and I think you
8 testified that you received it on 2/6/80 -- let me hand
9 you what -- would you identify that for the Court,
10 please?

11 A It's a case submission report.

12 Q And what are some of the items on
13 there? Who is that addressed to, first?

14 A To myself.

15 Q From where? What's the heading of it?

16 A Criminal Identification Bureau.

17 Q What's the date on it?

18 A June 10, 1980.

19 Q Now, moving on, sir. Would you read
20 the underlined portion there?

21 MR. REVERCOMB: Your Honor, may we see that
22 first?

23 MR. BICKLEY: Sure.

24

Williams - Cross

592

1 BY MR. BICKLEY:

2 Q Would you read that, please, for me?

3 A The above item was received from
4 Corporal D. H. Shumate, 2/6/80.

5 Q Now, as I understand the testimony, the
6 Reggettz Murder occurred on December 13, 1979; is that
7 correct?

8 A Yes.

9 Q And Mr. Moss is alleged to have taken
10 from that home on December the 13th, 1979, that
11 silverware; is that correct?

12 A He did not tell us he took the
13 silverware.

14 Q That's what you've testified here to.
15 Didn't he say that he took dishes?

16 A Yes.

17 Q And did you say you received from Ms.
18 Johnson a Christmas gift that he had given, and that's
19 been identified as Exhibit 100?

20 A Yes.

21 Q And you received that from Shumate on
22 2/6/80?

23 A No, sir.

24 Q Isn't that what that document says?

Williams - Cross

593

1 A That's what it says.

2 Q Is it not true that you did not even
3 talk -- Moss did not even confess until October 28, 1980;
4 is that correct?

5 A Yes.

6 Q And this is in February, when this
7 silverware is not even supposed to be there, for you and
8 Shumate to have?

9 MR. REVERCOMB: Your Honor, I'm going to object.
10 There is a misunderstanding here.

11 MR. BICKLEY: It's not a misunderstanding. It's
12 a CIB document.

13 MR. REVERCOMB: Can we approach the bench?

14 THE COURT: Yes.

15

16 WHEREUPON, a bench conference was held, and the
17 following transpired:

18

19 MR. REVERCOMB: Your Honor, this is the serology
20 report. This is Trooper Zain saying he received this
21 item from Trooper Shumate on February 6th. The chain of
22 custody will be that Shumate got it on February 6, 1980
23 and gave it to Zain the same day. That's all that
24 reflects. This is not Terry Williams saying he got it

Williams - Cross

594

1 from Shumate. Zain is saying that he got it from
2 Shumate.

3 MR. BICKLEY: His testimony is that he got it
4 from Shumate. You asked him that.

5 MR. REVERCOMB: No, I did not.

6 MR. BICKLEY: It's been in his custody since he
7 got it back from Shumate.

8 MR. REVERCOMB: He got it back from Shumate.

9 THE COURT: I don't know if that's the case. The
10 witness can explain that.

11 MR. REVERCOMB: I understand that, but Nelson's
12 confusing the issue.

13 MR. BICKLEY: This report is on June 10th of
14 1980.

15 MR. REVERCOMB: Whose report is it?

16 MR. BICKLEY: It's the criminal investigation
17 report.

18 MR. REVERCOMB: It's Trooper Zain's report; not
19 Terry Williams's.

20 THE COURT: Okay. Well, let him explain it.

21 MR. REVERCOMB: All right.

22

23 WHEREUPON, the bench conference was concluded.

24

Williams - Cross

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1 (Back on the Record)

2 BY MR. BICKLEY:

3

4 Q Trooper Williams, did you receive that
5 from Trooper Shumate on 2/6/80?

6 A This flatware?

7 Q Yes.

8 A No, sir.

9 Q When did you receive it?

10 A I received the flatware back on March
11 31, 1980.

12 Q So, you testified in error earlier
13 today when you said that it was 2/6/80 when you received
14 it back in your custody?

15 A I got it on 2/6/80 from Arbutus
16 Johnson.

17 Q This is way before you received
18 anything from John Moss; is that correct?

19 A Yes.

20 Q And John Moss has never said that he
21 took the silverware from that place; is that true?

22 A That's true.

23 Q He said he took dishes?

24 A Yes.

Williams - Cross

596

1 Q Now, Reggettzt called you the day of the
2 murders; is that correct?

3 A No.

4 Q When did he call you, sir?

5 A No one called me. They called me over
6 the radio.

7 Q Okay. But you were the first person to
8 enter the scene of the crime?

9 A Yes.

10 Q With Paul Reggettzt?

11 A Yes.

12 Q And the location of the bodies -- the
13 location of the bodies was how?

14 A Vanessa Reggettzt was lying in the floor
15 between the TV room and the back bed room.

16 Paul Eric Reggettzt was lying on the bed in the
17 back bed room.

18 Bernadette was lying on the bed in the front bed
19 room.

20 Q So, you had no knowledge that
21 Bernadette had been hanging on the door. You had no
22 knowledge that Paul Eric was in the tub. This is only
23 the word of Paul Reggettzt; is that correct?

24 A Not necessarily.

Williams - Cross

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1 Q Did you know it from other than that?

2 A By the Medical Examiner's Report.

3 Q But at that time, you had no knowledge
4 until someone made a medical examination; is that
5 correct?

6 A Yes.

7 Q And the only indication that you may
8 have had that Paul Eric had been in the tub was that he
9 was wet; is that correct?

10 A Yes.

11 Q But you had no knowledge of that at
12 that time; is that correct?

13 A On December 13th?

14 Q On December 13th.

15 A Yes.

16 Q So the crime scene had been changed
17 from what it was later told to you by Paul Reggett; is
18 that correct?

19 A Yes.

20 Q Okay. Now, how long was Paul in the
21 house? Do you have any idea?

22 A When?

23 Q On the 13th.

24 A When he took me in?

Williams - Cross

598

1 Q Yes, sir.

2 A Five minutes or so, maybe.

3 Q Then what happened?

4 A We went outside. I told him to sit on
5 the front porch. I made a phone call and came back
6 across to where he was sitting on the front porch. We
7 went back into the residence again.

8 Q You all went back in -- and this time,
9 you asked him to tell you what happened; is that correct?

10 A What he found.

11 Q What he found?

12 A Yes.

13 Q And this is when he told you about how
14 his daughter was hanging?

15 A Yes.

16 Q And how his son was in the tub?

17 A Yes.

18 Q Didn't you observe whether Paul
19 Reggett was wet?

20 A Yes.

21 Q Was he?

22 A No.

23 Q Did you find that to be strange?

24 A I didn't think about it at the time.

Williams - Cross

599

1 Q Did you report it in your activity
2 report?

3 A I believe I did.

4 Q But it didn't raise any questions in
5 your mind how he could carry his son from a tub and be
6 dry?

7 A Like I said, I just observed his arms.
8 I didn't feel them to see if they were actually wet.

9 Q I see. Did there come a time that you
10 and Paul Reggett and others went back to the Reggett
11 home?

12 A Yes.

13 Q And what happened on that day?

14 A He showed us what he did.

15 Q Paul demonstrated to you what he did?

16 A Yes.

17 Q And what did he demonstrate for his
18 daughter? What did he say? How did he say this whole
19 thing started? Did he say anything?

20 A He said the kids were making a lot of
21 noise, and him and his wife started arguing over the
22 kids.

23 Q What did he do after that?

24 A He said that she got the gun. She said

Williams - Cross

600

1 she was going to go get the gun, and they got into a
2 struggle over the gun.

3 Q Did the gun go off?

4 A Yes.

5 Q What did he do after the gun went off?

6 A He said he flung the gun but he didn't
7 remember if he hit anything or not.

8 Q What happened to his wife?

9 A She fell to the floor.

10 Q What did Paul do then?

11 A He then -- I think he said he strangled
12 her with some cords.

13 Q He said he strangled her with some
14 cords?

15 A Yeah, with a cord.

16 Q And what happened after that?

17 A He got his little boy.

18 Q What did he do to his little boy?

19 A He said he put him down on the floor
20 and put his knee in his back.

21 Q Did he demonstrate to you all how he
22 did that?

23 A Yes.

24 Q Would you show the jury how he